DIOCESE OF LANSING

A Complete Accounting

Dana Nessel
Attorney General

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This report is for informational purposes only. It is a compilation of excerpts from the information obtained from the tipline, victim interviews, police investigations, open-source media, paper documents seized from the Diocese of Lansing, and the electronic documents found on the diocesan computers, as well as reports of allegations disclosed by the diocese.

This report contains detailed descriptions of allegations of sexual abuse or assault and other sexual misconduct (including grooming and misuse of authority), by priests or deacons who are current or former clergy in the Diocese of Lansing, that occurred in the Diocese from 1950. However, the Diocese of Lansing was not established until May 22, 1937. Should you need assistance, please call 1-855-VOICES4.

A criminal charge is merely an allegation, and a defendant is presumed innocent unless and until proven guilty.

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SUMMARY

On September 21, 2018, the Michigan Department of Attorney General (AG), in partnership with the Michigan State Police (MSP), launched an investigation into clergy sexual abuse throughout the State of Michigan, focusing on the seven Dioceses of Michigan's Catholic Church. The Archdiocese is located in Detroit. The remaining Dioceses are located in Gaylord, Grand Rapids, Kalamazoo, Lansing, Marquette, and Saginaw. One purpose of the investigation was to investigate whether criminal charges could be filed against those who allegedly engaged in potentially criminal conduct or those who failed to comply with a statutory obligation to report conduct involving minors. Another purpose of the investigation was to determine if the Archdiocese and the Dioceses were complying with their statutory obligation to report sexual abuse of minors. It was intended that the investigation and its results would be documented in written reports to be made available to the public.

This is the fourth of what will eventually be seven separate reports, one for each of the seven Dioceses. On October 27, 2022, the AG released its report for the Diocese of Marquette. On January 8, 2024, the AG released its report for the Diocese of Gaylord. The third report was released by the AG on May 22, 2024, for the Diocese of Kalamazoo. It is our intent to share what was learned during the investigation as to ensure that any past failure to report sexual abuse will never happen again.

On October 3, 2018, a search warrant was simultaneously executed on the Archdiocese and all six Dioceses in order to seize any information and records each Diocese had regarding reports of sexual abuse. A search warrant is an order signed by a judge that allows the search and seizure of specified items when probable cause exists to establish that a crime has occurred and that the place sought to be searched is likely to yield the information. The search warrant was executed in tandem with multiple police agencies, which included 42 Michigan State Police detectives and troopers, two Midland police officers, two Saginaw Township police officers, one Grand Blanc police officer, and 15 Special Agents. It lasted eight hours, and more than 220 boxes of documents were seized. In total, an estimated 1.5 million paper documents were seized.

At the beginning of the investigation, a tipline was created and staffed from 8 am–5 pm, Monday through Friday, to collect information on sexual abuse within the church from the community at large. To date, this tipline has generated a total of 1,172 tips throughout the State of Michigan related to abuse. That number is 844-324-3374. We encourage anyone with information related to sexual abuse by a member of the clergy to contact the Department.

In 2019, the Michigan Legislature appropriated $635,000 to partially fund this investigation. It allotted $400,000 to electronic document management and $235,000 for victim advocacy. Electronic document management has cost approximately $504,874.39 to date.

In June 2002, the United States Catholic Conference of Bishops adopted the "Charter for the Protection of Children and Young People." In this Charter, the Dioceses and Eparchies in the United States pledged to protect children from sexual abuse. As one of the principles in Article 5 of the Charter, "Diocesan/eparchial policy is to provide that for even a single act of sexual abuse of a minor – whenever it occurred – which is admitted or established after an appropriate process in accord with canon law, the offending priest or deacon is to be permanently removed from ministry and, if warranted, dismissed from the clerical state." (Charter, p 11.) Related to this point, "[i]f the allegation is deemed not substantiated, every step possible is to be taken to restore his good name, should it have been harmed." (*Id.*) Also, in Article 4, "Dioceses/eparchies are to report an allegation of sexual abuse of a person who is a minor to the public authorities with due regard for the seal of the Sacrament of penance." (Charter, p 10.)

Consistent with this Charter, the Diocese of Lansing has instituted a "zero-tolerance policy," which provides as follows:

> The Diocese of Lansing has a zero-tolerance policy regarding sexual abuse of minors. Those with credible allegations are removed from ministry. The diocese is aware of no one currently active in ministry within the diocese who has abused a child. The diocese is committed to cooperating fully with law enforcement so that anyone who harms children can be brought to justice.[1]

At the outset of the investigation, the AG's office organized a "core group" of AG staff and MSP investigators who would work to ensure that a fair and thorough investigation was conducted into the materials that were seized as a result of a search warrant. The team includes attorneys from the Criminal Justice Bureau, including trial prosecutors and appellate specialists as well as attorneys from Licensing and Regulatory Affairs (LARA) because offenders sometimes would also possess a professional license such as counseling. It was determined that, if appropriate, action would be taken to remove professional licenses in an effort to keep the community safe.

[1] https://www.dioceseoflansing.org/human-resources/list-clergy-credible-allegation-sexual-abuse-minor (last accessed December 15, 2024).

To ensure communication with the Dioceses, the core team staff has attempted to meet quarterly with diocesan lawyers to discuss processes and procedures to streamline the investigation. All seven Dioceses have cooperated with the AG's investigation.

In an effort to cooperate with the AG's investigation, in addition to the required reports that they were already providing to local law enforcement, the seven Dioceses have agreed to provide the AG with reports of possible sexual abuse that they received during the course of the investigation. The Dioceses agreed to allow the AG's office first to conduct a criminal investigation into the report and wait to conduct any internal investigation until the AG concluded its investigation and determined that it would not file charges. Experience indicates that victims of sexual abuse wait many years before they disclose the abuse to others. In this investigation, victims continue to report sexual abuse to the Dioceses and Archdiocese. The AG does not wish to interfere in the victims' spiritual relationship with the victims' church or the Diocese and encourages victims to cooperate in any subsequent canonical investigation. Finally, if the victim is interested in counseling services, the AG victim advocate works to obtain services for the survivor.

To date, the AG has received 184 referrals from the Dioceses, including the Diocese of Lansing. For those reports that involve a priest in active ministry, an investigation is initiated immediately. The Dioceses have agreed to give the AG's office appropriate time before they initiated an internal investigation. This time provides the investigators an ability to make contact with the victim, and in some cases the suspect priest. The Dioceses have typically refrained from commencing their investigation until cleared by AG staff.

Law enforcement is required to file criminal charges within a certain amount of time after the crime has been committed, commonly referred to as the statute of limitations (SOL). If the SOL has expired, Michigan law does not permit the AG or local prosecutors to pursue criminal charges. Prior to 2001, the SOL for criminal sexual conduct in the first degree (CSC 1) was six years from the date of offense, or the victim's 18th birthday day. In 2001, the Legislature eliminated the SOL for first-degree criminal sexual conduct (CSC 1), making it possible to bring criminal charges at any time. The crime of CSC 1 can be charged under a number of different theories. The most common theories are when sexual penetration occurred and the victim was under 13 years old, or the victim was forced/coerced into the sexual activity and the victim suffered from personal injury including mental anguish. For cases where the allegations are outside the SOL, the AG team members interviewed those who were reporting sexual abuse and were willing to discuss their victimization using a trauma-informed interview style. The AG/MSP conducted an investigation if the SOL had not expired, or if the alleged perpetrator appeared to have been outside of Michigan before the SOL expired which would "stop the clock" for that period of time. Where appropriate, criminal charges were brought. For the vast majority of cases in all six Dioceses and the Archdiocese, a

criminal prosecution has simply not been possible either because the priest who engaged in the sexual abuse of minors was dead, the SOL had expired, the conduct did not violate Michigan law, or the person who was allegedly sexually abused by the priest did not wish to pursue criminal charges.

For Lansing, the investigation yielded 161 tips to the AG tipline, and 44 of those were provided directly from the Diocese of Lansing. Of the 220 boxes of paper documents that were seized from the Archdiocese and the six Dioceses, 24 boxes containing approximately 60,000 documents were reviewed related to the Diocese of Lansing. Of the 3.5 million electronic documents seized, 767,583 documents were reviewed related to the Diocese of Lansing.

Some information contained in this report comes from the website https://www.bishop-accountability.org/. It defines itself as follows, and explains the basis for the inclusion of the clergy on its site:

> BishopAccountability.org is the largest public library of information on the Catholic clergy abuse crisis. We are a digital collection of documents, survivor witness, investigative reports, and media coverage. We also do basic research on abuser histories and church management, and we maintain definitive databases of persons accused in the United States, Argentina, Chile, and Ireland, with other databases in development.
>
> We are not an advocacy organization, and we take no position on possible remedies for the crisis. We are a library open to everyone looking to understand the problem of clergy abuse of children.
>
> The materials we have collected also provide insight into child protection generally and Catholic history beyond the abuse crisis, and they comprise a unique case study of institutional response to misconduct and demands for change.[2]
>
> * * *
>
> Our Database of Publicly Accused does not state or imply that individuals facing allegations are guilty of a crime or liable for civil claims. The reports contained in the database are merely allegations. The U.S. legal system presumes that a person accused of or charged with a crime is innocent until proven guilty. Similarly, individuals who may be defendants in civil actions are presumed not to be liable

[2] https://www.bishop-accountability.org/ (last accessed December 15, 2024).

> for such claims unless a plaintiff proves otherwise. Admissions of guilt or liability are not typically a part of civil or private settlements.[3]

The list of priests for which there were allegations of sexual misconduct against either children or adults since January 1, 1950, for the Diocese of Lansing that was established in 1937 is derived from information gleaned from a search warrant that was executed against the Diocese of Lansing on October 3, 2018, and from the tipline operated by the Department of Attorney General since 2018. There are 56 entries on this list, which includes 48 priests, three religious brothers and an apparent former religious brother, and four deacons; 42 were ordained or incardinated by the Diocese of Lansing.

The allegations are summarized here, and their inclusion does not reflect a determination by the Department that the allegations are credible or otherwise substantiated or indicative of a crime. The majority of reported allegations of sexual abuse or assault or other sexual misconduct (including grooming conduct) were against either boys or girls under the age of 16 and also under the age of 18, but there were also allegations against five priests only related to adults (18 years or older). The John Jay College research team defined grooming as a premeditated behavior intended to manipulate the potential victim into complying with possible subsequent sexual abuse. Some of the claims allege actions by priests against adults in which there is a claim that the priests relied on their authority to engage in sexual misconduct or attempt to do so. Not all the files that were retrieved by search warrant are complete; as with the priest list, the information here is a reporting of the allegations either found in the seized, non-privileged documents or gleaned from the tips received. The report does not suggest that the Diocese has additional information that has not been provided. This report reflects the documents that were obtained, in some instances many years after the original documents would have been generated.

For the 56 priests, brothers (and an apparent former brother), and deacons, 42 were incardinated in the Diocese of Lansing. The Diocese identifies 17 diocesan priests (including a bishop) who were "credibly accused of sexual abuse of minors": (1) Fr. Timothy Crowley; (2) Fr. Vincent DeLorenzo; (3) Fr. Alexander Thomas Fitzgerald; (4) Fr. Paul Guoan; (5) Fr. Terrence Healy; (6) Fr. Michael Robert Kelly; (7) Fr. James Lee; (8) Fr. Marian Lesniak; (9) Fr. John Edward Martin; (10) Fr. James Novak; (11) Msgr. John Donald Slowey; (12) Bishop James S. Sullivan; (13) Fr. Chester Tomaszewski; (14) Fr. Francis Wahowiak; and (15) Fr. Darius Wyszynski. For the 17 listed, the Department's report includes allegations against 15 of them, but it does not include an entry for (16) Fr. Joseph Emile Aubin, removed from ministry in 2018, because the Department does not have any information regarding that priest, and it does not include (17) Fr. Eugene Fish, because the allegations against him did not relate to the Diocese of Lansing. For non-diocesan priests, there

[3] https://www.bishop-accountability.org/accused/ (last accessed December 15, 2024).

are six priests listed on the credibly-accused list for the Diocese in relation to minors: (18) Fr. Lehr Barkenquest; (19) Fr. Alphonse Boardway, O.F.M.; (20) Fr. Patrick Egan; (21) Fr. Joseph McHugh, C.S.Sp.; (22) Fr. James Rapp, O.S.F.S.; and (23) Fr. Jason Sigler. The Department's report includes these additional six priests.

The bishop accountability list of accused priests – which includes allegations against children and adults – identifies 23 priests for the Diocese of Lansing, all the same priests above from the Diocese of Lansing credibly accused list except for six priests, Fr. Barkenquest, Fr. Fish, Fr. Healy, and Fr. Rapp, Fr. Sigler, Fr. Wahowiak (all but Fr. Wahowiak are listed elsewhere on the bishop accountability site), but also includes five additional priests and a religious brother for the Diocese of Lansing, three of whom are listed in this report: (24) Fr. Francis Boyer; (25) Br. Jeffrey Gregory; and (26) Fr. Richard Lobert. The bishop accountability list also included an additional bishop, two priests, and religious brother that appear in the Department's list: (27) Fr. Joseph Baraniewicz, O.S.F.S., (28) Fr. Germain Belen, O.F.M.; (29) Br. Kurt Munn; and (30) Bishop Joseph Symons. The Diocese of Lansing has issued public statements with respect to two additional priests who do not appear on its credibly accused list against minors, as the allegations related to adults: (31) Fr. Robert Gerl and (32) Fr. Mark Inglot. The Department's list includes these three priests. The Department includes an additional 26 entries not already identified.

For the 56 priests and deacons, 37 are known or presumed to be dead. For the 19 priests and deacons who are living or presumed to be living, one is in active ministry for the Diocese of Lansing: Deacon James Corder. Among the other living priests, there are three who are retired for which there are no restrictions on their ministry, but none of them appears to have any active assignment.

For the deacon in active ministry, the allegations against Deacon Corder related to allegations involving a minor. The AG has not filed criminal charges against Deacon Corder or any of the above-referenced retired priests.

For the 56 priests, religious brothers (and apparent former religious brother), and deacons, the vast majority of conduct as alleged that may have violated Michigan criminal law occurred before 2002, the year of the U.S. Bishops' Charter.

(1) FR. JOSEPH M. BARANIEWICZ, O.S.F.S.
(LISTED ON DIOCESE OF SALT LAKE CITY CREDIBLY-ACCUSED CLERGY LIST AND ON THE BISHOP ACCOUNTABILITY SITE.)

Born: August 11, 1929
Ordained: July 14, 1957
Died: February 24, 2012

Fr. Joseph M. Baraniewicz, a member of the Oblate of St. Francis de Sales, was born on August 11, 1929, in Philadelphia, Pennsylvania, and was ordained to the priesthood on July 14, 1957, in Switzerland. (App'x JMB#1, Fr. Joseph Baraniewicz Obituary, p 1.) He died on February 24, 2012, in Childs, Maryland. (*Id.*) According to the Bishop Accountability website, Fr. Baraniewicz ministered in the Diocese of Salt Lake City from 1974 to 1990.[4] On October 26, 1990, alleged incidents of Fr. Baraniewicz "holding children on lap, kissing, [and] hugging children" were reported to that diocese. (App'x JMB#2, Diocese of Salt Lake City Allegations of Clergy Sexual Misconduct against Minors, p 1.)[5] Fr. Baraniewicz was "[s]ent for alcohol treatment" and returned to his order. (*Id.*) The Diocese of Salt Lake City reported the alleged misconduct to civil authorities on April 28, 2003. (*Id.*)

By letter dated January 10, 1991, Bishop Kenneth Povish welcomed Fr. Baraniewicz into the Diocese of Lansing and granted him faculties to minister in the Diocese. (App'x JMB#3, Letter from Bishop Kenneth Povish to Father Baraniewicz, dated January 10, 1991.) On September 25, 2000, Bishop Carl Mengeling approved Fr. Baraniewicz's "continued ministry in the Diocese of Lansing as Senior Religious in residence at St. Mary's, Adrian, and to grant you the faculties of the diocese." (App'x JMB#4, Letter from Bishop Carl Mengeling to Fr. Joseph Baraniewicz, O.S.F.S., dated September 25, 2000.) There is no indication in the file that the Provincial of the Oblates of St. Francis de Sales, Fr. Alfred Russell,

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[4] https://www.bishop-accountability.org/dioceses/usa-ut-salt-lake-city/ (last accessed December 15, 2024).

[5] See also https://www.dioslc.org/images/Safe_Environment/Final_Clergy_Allegations_-_Website_Sept_2019.pdf (last accessed December 15, 2024).

or the Diocese of Salt Lake City informed the Diocese of Lansing of the 1990 allegation.

Thirty-eight days later, in a letter dated November 2, 2000, Fr. Thomas Helfrich, O.S.F.S., also a member of the Oblates of St. Francis de Sales order, and the then pastor of St. Mary Parish in Adrian, wrote to Msgr. Michael Murphy to advise of an allegation a parishioner had made against Fr. Baraniewicz, as follows:

> She had come to the house looking for me. Joe Baraniewicz, OSFS answered the door. When she learned that I was out she asked to see Fr. Louis Komorowski who was also out. Since she was clearly emotionally upset, Joe asked if he could be of assistance. She graciously accepted his offer and came into the house to speak with him about her troubled state.
>
> The two were sitting next to one another on a couch. Joe acknowledges that he hugged her to encourage and affirm her. Her account is different. She says it began as a hug and then he began kissing her hair and her face and touched her breast. She promptly left the house. Joe was dumbfounded when I brought her description of the situation to his attention in the presence of Deacon Rich Bayes.
>
> Joe is no longer in town. He will be given a new placement [by his order] and will also undergo counseling to address boundaries and his apparent perception problem. Our Provincial, Jim Cryan, is handling the situation.
>
> [App'x JMB#5, Letter from Fr. Thomas Helfrich, O.S.F.S., to Msgr. Michael Murphy, Diocese of Lansing, dated November 2, 2000.]

There are no other allegations of sexual misconduct contained within the Fr. Baraniewicz file.

(2) FR. LEHR J. BARKENQUEST, O.S.F.S.
(LISTED ON DIOCESE OF LANSING AND BISHOP ACCOUNTABILITY SITE.)

Born: July 16, 1935
Ordained: April 11, 1964
Died: January 4, 2019

Fr. Lehr J. Barkenquest, O.S.F.S., was born on July 16, 1935, at Ottawa Lake, Michigan, and was ordained to the priesthood for the Oblates of St. Francis de Sales on April 11, 1964. (App'x LJB#1, Legacy.com obituary of Fr. Lehr Barkenquest, O.S.F.S.) Although he was never incardinated into the Diocese of Lansing, he served in the Lansing Diocese from 1991 to 2013, and his name appears on the Diocese's credibly-accused list as a "Religious Order clergy with a credible allegation of sexual abuse of a minor during their time in the Diocese of Lansing." (App'x LJB#2, Diocese of Lansing List of clergy with a credible allegation of sexual abuse of a minor, pp 10–11.)[6] However, no documents regarding any allegation of sexual abuse were found among the records seized from the Diocese in the Department's investigation.

The Bishop Accountability website reported that Fr. Barkenquest was sued in New York for allegedly sexually abusing a male student in the 1970s at St. Francis DeSales High School in Lockport, New York.[7]

On December 6, 2018, not long after the Attorney General's seizure of documents in October, legal counsel for the Diocese of Lansing provided the Department with a copy of a letter he sent to the Jackson County Prosecuting Attorney, reporting that John Doe 1 had recently alleged that he was assaulted by Fr. Barkenquest at St. Rita Parish in Clark Lake, Michigan, from when he was 14 years old through

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[6] See also https://www.dioceseoflansing.org/human-resources/list-clergy-credible-allegation-sexual-abuse-minor (last accessed December 15, 2024).

[7] https://www.bishop-accountability.org/accused-by-last-name-b/ (last accessed December 15, 2024).

adulthood. (App'x LJB#3, Letter from Diocese of Lansing counsel to Jackson County Prosecutor, dated December 6, 2018.) Fr. Barkenquest died the following year on January 4, 2019. (App'x LJB#1, Legacy.com obituary.)

On April 8, 2020, John Doe 1 emailed the Department's tipline and alleged that he was fondled by Fr. Barkenquest from the age of 13 years old through the age of 23 years old. John Doe 1 wrote that he had a learning disability, as well as other cognitive disabilities. John Doe 1 also wrote that he reported the alleged sexual abuse to the Diocese in 2018, but he was unaware whether anything was done about it. (App'x LJB#4, Tipsheet #677 dated April 8, 2020.)

Upon approval from the Attorney General, the Diocese of Lansing had John Doe 1's allegation investigated by a private investigator. In March 2020, the Diocese's Review Board found the allegation credible and Fr. Barkenquest's name was added to the Diocese's credibly-accused list.

(3) FR. GERMAIN DANIEL JOSEPH BELEN, O.F.M.
(LISTED ON BISHOP ACCOUNTABILITY SITE)

Born: March 19, 1921
Ordained: June 3, 1950
Died: December 11, 2004

Fr. Germain Daniel Joseph Belen was born on March 19, 1921, in Lansing, Michigan, and was ordained to the priesthood for the Order of Friars Minor (O.F.M.) on June 3, 1950, at the Cathedral, Albany, New York. (App'x GDJB#1, Bishop Accountability biography from Franciscans USA.)[8] Fr. Belen died on December 11, 2004. (*Id.*) According to the assignment sheet, Fr. Belen was the pastor of Holy Cross Church in Lansing in 1982, the chaplain of a nursing home in Diamondale, near Lansing, in 1991, and was in residence at the Holy Cross Friary in 2000, before moving to Mount St. Francis in Indiana in 2003. (*Id.*)

In August of 1991, Jane Doe 1, an adult female, met with Msgr. James Murray and alleged that, in 1989 or 1990, Fr. Belen invited her to take a ride in his car to privately discuss parish matters related to Holy Cross Church in Lansing. (App'x GDJB#2, Handwritten memo from Msgr. James Murray to Bishop Kenneth Povish, dated August 23, 1991, p 1.) In the car, Fr. Belen asked Jane Doe 1 to sit closer to him; however, she declined, stating that she would be unable to secure her seat belt. (*Id.*) Jane Doe 1 told Msgr. Murray that, during the drive, Fr. Belen commented that the life of a priest was "lonely." (*Id.*) After the drive, Fr. Belen walked Jane Doe 1 to her home and allegedly "planted a big wet kiss on her." (*Id.*) Jane Doe 1 also confided in a neighbor who was an active parishioner at Holy Cross about this allegation, and he suggested that she "forget it," but told her that "he was aware that the same or similar thing had happened to at least 2 other female parishioners." (*Id.* at 2.)

[8] See also https://www.bishop-accountability.org/news555/2013_03_Belen_bio_fransicanusa.pdf (last accessed December 15, 2024).

In the same August 1991 meeting, Jane Doe 1 told Msgr. Murray that "[h]er main concern [wa]s that he get help if needed and above all that he NOT do the same to anyone else!" (*Id.*) (Emphasis in original.) Msgr. Murray told Jane Doe 1 that Fr. Belen would be "confronted with her allegations," and Msgr. Murray would thereafter follow up with her. (*Id.*) This file does not contain any other document regarding Jane Doe 1 allegations, except for a Case Control Sheet from the Diocese that shows the matter was not referred to the Review Board nor reported to the local prosecutor. (App'x GDJB#3, Case Control Sheet, with notation of "9/14/18 DKA based on handwritten note," pp 1–2.)

On February 4, 2003, Jane Doe 2 alleged that, from 1970 to 1978 in Terre Haute, Indiana, Fr. Belen "raped" her. (App'x GDJB#4, Memo from Msgr. Murphy to the File, dated February 7, 2023.) Jane Doe 2 stated that she had reported the alleged sexual abuse to the Franciscan provincial and was assured that Fr. Belen had retired and was not a threat to children. (*Id.*) "Then Jane Doe 2 found out that Belen was in residence at Holy Cross Parish in Lansing, and she thought he might have access to children. This enraged her and she called to register her strong objection to this turn of events." (*Id.*)

On February 4, 2003, Msgr. Murphy spoke to Fr. David Lenz, "a member of the [Franciscan] Provincial Council," who was unaware of what the provincial, who was out of town, said to Jane Doe 2. (*Id.*) However, Fr. Lenz assured Msgr. Murphy that Fr. Belen would be removed from Holy Cross the following day, and, accordingly, the Diocese of Lansing removed Fr. Belen from its mailing lists. (*Id.*)

Msgr. Murphy further noted that, prior to Fr. Belen's ministry in the Lansing diocese, the Diocese of Lansing was not aware of Jane Doe 2 allegations:

> The Diocese of Lansing has never been made aware of this accusation of Jane Doe 2 by the Franciscan Provincial, Fr. Peter Damien Massengill. When I spoke with Fr. Lentz on February 4, 2003 he told me that they were aware of Jane Doe 2 accusation against Fr. Belen, however, that accusation was totally out of character for Fr. Belen. There had never been any hint that he had abused any minor.
>
> This matter is between Jane Doe 2 and the Franciscans Friars of Mt. St. Francis, Indiana. The Diocese of Lansing has no responsibility beyond what I have done trying to facilitate the removal of Fr. Belen from Holy Cross Parish Lansing of the Diocese of Lansing.
>
> [*Id.*]

The Case Control Sheet regarding this second allegation noted that the "[a]buse took place in Terre Haute, IN prior to Belen placement in DoL." (App'x GDJB#5, Case Control Sheet #2.)

(4) BR. RAYMOND BERTA A/K/A BR. JEFFREY BERTA, F.S.C. (LISTED ON THE BISHOP ACCOUNTABILITY SITE.)

Born: November 26, 1940
Consecrated: July 16, 1965
Died: November 20, 2004

Brother Raymond Berta, F.S.C., was born on November 26, 1940, in Ottawa, Illinois, and entered the novitiate in 1959 and made his perpetual vows on July 16, 1965, in Illinois as a religious brother in the community of the De La Salle Christian Brothers. (App'x RB#A, St. Mary's College in California, In Memoriam.)[9] His name as a member of the community was Brother Jeffrey.[10] He served as a high school teacher at Msgr. Gabriels High School in Lansing, beginning September 1965. (*Id.*)[11]

On December 12, 1994, John Doe 2 called Msgr. James Murray and alleged that he was sexually abused by "Brother Jeffrey" at Msgr. Gabriels High School in 1964 and 1965 in Lansing. (App'x RB#1, Interoffice Memorandum from Msgr. James Murray to Bishop Povish, dated December 13, 1994.) During the telephone call, John Doe 2 made an appointment to meet with Msgr. Murray; however, instead, he retained an attorney who wrote a letter to Msgr. Murray in May of 1995 "in order to determine the wisdom of our trying to work with you to seek a fair and just resolution and to avert the pain and anguish of litigation." (App'x RB#2, Letter from Justin Ravitz to Msgr. James Murray, dated May 17, 1995, p 1.)

Brother Jeffrey, F.S.C, worked at Msgr. Gabriels High School in Lansing from 1965 through 1969. (App'x RB#3, Interoffice Memorandum from "Sally" to File, dated July 3, 1995.) John Doe 2 attended the school in the 1964–1965 and 1965–1966 school years during ninth and tenth grades. (*Id.*)

Msgr. Murray notified the provincial of the Christian Brothers, and the latter advised the former that Br. Jeffrey was "somewhere in California." (App'x RB#4, Letter from attorney for Diocese to Justin Ravitz.) The provincial also stated that he would not act on John Doe 2 allegations, until he was provided with a detailed statement regarding same. (*Id.*) Accordingly, John Doe 2 handwrote a letter

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[9] See also https://www.stmarys-ca.edu/news/memoriam-brother-raymond-charles-berta-fsc (last accessed December 15, 2024).

[10] See https://www.sfgate.com/news/article/BERTA-Brother-Raymond-Charles-FSC-2669686.php (last accessed December 15, 2024).

[11] Msgr. John Gabriels High School operated in Lansing from 1963 to 1970 before its consolidation with Msgr. Rafferty High School to form Lansing Catholic at its current location. https://lansingcatholic.org/about-us (last accessed December 15, 2024).

detailing the alleged sexual abuse. (App'x RB#5, Handwritten letter by John Doe 2, dated August 20, 1995.) In that letter, he described the alleged abuse as follows:

> All of the events between Brother Jeff[re]y and I, John Doe 2 took place on school grounds. There were about five (5) incidents over four to six (4–6) weeks.
>
> What really started the whole thing, was his knowledge of my family life, or the lack of it really.
>
> I told him I had a step-father who didn't care for me, and didn't want me around. And I never felt like I belonged to anything or anyone. He told me he would help me in any way he could, and mabey [sic] if we just talked it may help in some way.
>
> We developed a good talking relationship and one day he said mabey [sic.] a life in the church may be what I was looking for.
>
> In about a week, he asked me if I would help him bring a box of books to his room for him. I didn't think students were allowed into the Brothers quarters but I thought he must know the rules. So I said sure. On the way he told me some men were better off with girls, and some men were better off with other guys. At this point in my life I was still not sexually active, so I didn't see what was coming next. When we got to his room we put the books away and he got out some magazines with very graffic [sic] photos of people haveing [sic] sex. He even had a magazine of two (2) men having sex, he asked me if I would like to try something like that, I told him I'd better not, and that I had to go.
>
> Over the next few days to a week, he kept asking me how things were going at home, and if I was still interested in mabey [sic] joining a life in the church. I told him things were about the same at home, and I didn't know for how much longer I could take it. He told me a life in the church would take me away from all of that. I asked him what he me[a]nt and he said he would be glad to explain it all to me, but it would be better if we spoke privately, and he said let's go to his room where we could talk better.
>
> When we got to his room we talked for a few minutes. And then he got out those magazines again, only this time he was not going to take no for an answer. He talked me into removing my pants and he performed oral sex on me while masturbating.
>
> This same type of thing took place three (3) more times. I wanted to stop, but I was afraid of what he may do. I also told him I was feeling

> very guilty about what we were doing and that I should at least go and talk to Fr. Sears or go to confession with my sins. He said under no condition was I to do that, and that he would assume all guilt over our activities and not to worry about it anymore.
>
> When he approached me again I said no and went to talk with Fr. Sullivan at the church. I said to him mabey [sic] it would be best if I were to join an order in the church to feel better about myself. He said there was no place in the Catholic Church for a young man like me, and it was probley [sic.] my wickedness and willingness to participate that caused my problem with [B]rother Jeffrey. Right after that I quit school and my mother signed for me to join the Army.
>
> [*Id.* at 1–5.]

On June 12, 2002, John Doe 2 contacted the Diocese of Lansing again and reported the alleged sexual abuse he suffered from Brother Jeffrey, but this time, he also alleged that Fr. James Sullivan, see entry no. 49, who later became Auxiliary Bishop for the Lansing Diocese and then Bishop of Fargo (North Dakota), molested John Doe 2 when he was an altar boy at 16–17 years old. (App'x RB#6, Memo to File by Msgr. Lunsford, dated June 12, 2002.) In his Memo, Msgr. Robert Lunsford wrote that he was "under the impression that [John Doe 2's] family pursued the matter with the Christian Brothers and that William obtained two years of psychiatric counseling as a result." (*Id.*)

On June 13, 2002, Msgrs. Murphy and Lunsford met with John Doe 2. (App'x RB#7, Memo to File from Msgr. Lunsford, June 13, 2002, p 1.) During that meeting, John Doe 2 again alleged that Brother Jeffrey had sexually abused him in 1966 when he was a sophomore or junior at Msgr. Gabriels High School. (*Id.*) John Doe 2 specifically claimed that Br. Jeffrey fondled and performed fellatio on him while Br. Jeffrey masturbated. (*Id.*) John Doe 2 stated that he reported the alleged sexual abuse to Fr. Eugene Sears, the high school chaplain at the time, who advised John Doe 2 to report the incident to Fr. James Sullivan, then an assistant pastor at Resurrection Parish. (*Id.*) John Doe 2 reported the alleged sexual abuse to Fr. Sullivan and also told him that he was interested in becoming a priest. (*Id.*) "Fr. Sullivan told John Doe 2 that there was no place in the Church or the priesthood for people who made allegations like he was making and told him to get out of his office." (*Id.*)

Also during this June 13, 2002, meeting with the monsignors, John Doe 2 alleged that, later in 1966 or 1967, when John Doe 2 was an altar server for Fr. Sullivan for Mass, he assisted Fr. Sullivan, during which time Fr. Sullivan allegedly said "[t]here was always something I wanted to do," after which he unzipped John Doe 2's pants and "pulled out his penis." (*Id.*) Fr. Sullivan then allegedly commented that John Doe 2's penis was "a nice one," and told John Doe 2 to "join the club or

shut up[.]" (*Id.*) This caused John Doe 2 to believe that Fr. Sullivan had sexually abused others in the same way. (*Id.*)

During the meeting, John Doe 2 told the Monsignors that, after he joined the military, he repressed his memories of the alleged abuse until approximately 1996 or 1997, after he watched a Tom Brokaw program about sexual abuse. (*Id.*) It appeared that John Doe 2 thereafter contacted a lawyer and entered into a settlement with the Christian Brothers "for two years of psychiatric counseling[.]" (*Id.*) John Doe 2 told the Monsignors that he had been diagnosed with post-traumatic stress disorder and "that it was only his faith that sustained him and that he had contemplated suicide at times." (*Id.*) Msgr. Lunsford noted the following in his Memo to File:

> He also indicated that he agonized over bringing this to our attention, wondering if anyone would take the word of an altar boy against that of a bishop but decided to do it in the hope of healing. He feels guilty and blames himself. We reassured him that he was not guilty but was the victim.
>
> [*Id.*]

According to Michael Murray,[12] who was the moderator for the Diocese and had Br. Jeffrey as a teacher for religion class when Murray was a sophomore at Msgr. Gabriels High School, Br. Jeffrey's religious name was Brother Jeffrey of Mary, F.S.C, but he did not use "Mary" at the school. (App'x RB#8, Email from Mike Murray to Monsignor Murphy.) Br. Jeffrey went back to his baptismal name of Raymond Berta, after the Christian Brothers "ceased requiring the use of religious names[.]" (*Id.*)

As reflected in a letter dated June 21, 2002, Bishop Carl Mengeling notified Bishop Samuel Aquila, Diocese of Fargo, of the allegations John Doe 2 made against then retired Bishop of Fargo, James Sullivan, and Bishop Aquila acknowledged the telephone conversation and advised that Bishop Sullivan "emphatically" denied the allegation. (App'x RB#9, Letter from Bishop Samuel Aquila, Bishop of Fargo, to Bishop Carl Mengeling, dated June 21, 2002.) Bishop Aquila also explained Bishop Sullivan's then-current condition, as follows:

> As you may know, Bishop Sullivan is in poor health. As a result of his debilitated condition, Bishop Sullivan's ministry is virtually non-existent today. Presently, he needs the assistance of another priest or deacon to celebrate a private Mass in his living quarters. Even if the

[12] Michael Murray became a deacon in 2005, and after his wife died, was ordained to the priesthood on June 10, 2016, in Lansing. https://faithmag.com/meet-father-mike-murray (last accessed December 15, 2024).

> accusation is true, it is difficult to imagine any circumstance in which Bishop Sullivan presents any danger to anyone. Accordingly, I have decided to await the outcome of your investigation before taking any punitive steps to remove or to limit Bishop Sullivan's faculties until I receive the results of either your investigation or the investigation that may be conducted by any law enforcement officials in Lansing. As a practical matter, any action that I could take would make little difference in his daily routine and would undoubtedly destroy any will to live that he presently has.
>
> Although I have been in the Diocese of Fargo for less than a year, I want you to know that Bishop Sullivan enjoys a wonderful reputation; I regret that a single allegation of misconduct in 2002 based on an alleged event in 1966 can besmirch his fine reputation.
>
> [*Id.* at 1–2.]

On June 21, 2002, the Diocese of Lansing issued a press release regarding John Doe 2's allegations against Br. Jeffrey and Bishop Sullivan that provided the following:

> On Thursday, June 13, 2002, John Doe 2 met with Msgr. Robert Lunsford and Msgr. Michael D. Murphy of the Diocese of Lansing. John Doe 2 began the meeting by asking that what he was about to reveal be held in confidence. John Doe 2 alleged that a Brother Jeffrey Gregory, then at Msgr. Gabriels High School, Lansing, has abused him in 1966.
>
> Immediately after the meeting with John Doe 2 the diocese contacted the Provincial Superior of the Christian Brothers religious order to follow-up on the allegation made by John Doe 2 against Brother Jeffrey Gregory. This afternoon (Friday June 21, 2002) we have learned that Brother Jeffrey Gregory is now in a nursing home in California.
>
> Also at the June 13 meeting John Doe 2 made an allegation of improper sexual contact by then Fr. James S. Sullivan, now retired Bishop of Fargo. This was the very first time that the Diocese of Lansing had been made aware of John Doe 2 allegations against Brother Jeffrey Gregory and Bishop Sullivan.
>
> The Diocese of Lansing made contact with the current Bishop of Fargo and the office of the Apostolic Nuncio (Papal representative in the United States) on June 18, 2002.
>
> Even though an internal investigation by the Diocese of Lansing is not yet complete, a report of John Doe 2 allegation against Brother Jeffrey Gregory and Bishop Sullivan was delivered to the office of the Ingham County Prosecutor on Friday, June 21, 2002.

> At the conclusion of Msgrs. Lunsford and Murphy's meeting with John Doe 2 on June 13, 2002 they promised to follow-up on these allegations and notify the Christian Brothers, the Bishop of Fargo, the Ingham County Prosecutor and the Papal Nuncio. The Diocese of Lansing is honoring those promises.
>
> [App'x RB#10, Diocese of Lansing Press Release on allegations by John Doe 2 Re: Brother Jeffrey Gregory and Bishop James Sullivan, dated June 21, 2002.]

By letter dated June 24, 2002, Bishop Aquila of Fargo wrote the Apostolic Nuncio to the United States, Bishop Gabriel Montalvo, and advised that "[t]he media decided not to do the story on Bishop Sullivan, as a family member of John Doe 2 came forward and informed them that he had very real psychological problems and had made accusations against others before." (June 24, 2002, letter from Bishop Samuel Aquila of Fargo to Bishop Gabriel Montalvo, Apostolic Nuncio to the United States.) He further wrote that John Doe 2 family member "indicated that John Doe 2 was not Catholic nor did he attend the high school where some of the alleged incidents occurred." (*Id.*) Bishop Aquila advised that the Lansing media did not run the story; however, it was run by the media in Fargo "but reported as a false accusation." (*Id.*) Bishop Aquila wrote that he had spoken with Lansing Bishop Mengeling, "who will continue to investigate these matters so that the good reputation of Bishop Sullivan is protected." (*Id.*)

On July 3, 2002, the diocesan legal counsel wrote to the executive editor of the *Lansing State Journal* and requested a retraction be published regarding an article the *Journal* published about the allegations of John Doe 2. (App'x RB#12, Letter from legal counsel for the Diocese to Michael Hirten, Executive Editor, dated July 3, 2002.) The letter provided as follows:

> As indicated in our meeting this morning, we wish retractions made from the article published on Sunday, June 30, 2002, beginning with the first paragraph which reads: "The Lansing Catholic Diocese, which for months has denied any substantiated allegations of sexual abuse by local clergyman, admitted this week to quietly settling a claim in 1995 and is facing another accusation." This paragraph is entirely false. There has never been an admission that the diocese had settled a claim in 1995 and the production of the settlement agreement should satisfy you to that effect. The next paragraph indicates that John Doe 2 was 16; in 1966 he was 17 . . . Five paragraphs later reads: "But seven years ago the diocese joined with the De La Salle Christian Brothers of the Midwest, Gregory's religious order, to pay $10,000.00 for psychiatric treatment for John Doe 2." This is not true. The Diocese of Lansing has not paid a penny for psychiatric treatment for John Doe 2. Several paragraphs later it states: 'The settlement is similar to others made nationwide by several churches accused of covering up abuse by

clergy.' Since you quote attorney Justin Ravitz, you should also have been to state that this settlement did not include the Diocese of Lansing. The settlement does not prevent a civil lawsuit against the diocese as you now know. Furthermore, there was nothing to prevent John Doe 2 or Mr. Rabitz from advising County prosecutors. They are free men and adults.

Mr. Michael Diebold is quoted as saying that the diocese agreed to pay for John Doe 2 counseling because "it was the right thing to do." This statement is unequivocally denied by Mr. Diebold. Mr. Diebold had no reason to say that the diocese had entered into a settlement when the diocese knew nothing concerning a settlement. And we would have known if we had participated in it. The statement that we brought the matter to the County prosecutor a week later after learning of the charge indicated that we did so because of media pressure. The fact of the matter is that as soon as we learned that John Doe 2 had actually attended Gabriels School we took the matter to the prosecutor. The records do not show that he attended the school for most of the 1965–66 academic year. He attended the school from mid-January through the end of the semester 1966. If you have any difficulty understanding the school records, I would be happy to explain them to you because they are not clear unless you look at them in their totality.

The quotation from Gaile Pohlhaus: "Certainly people are going to feel betrayed by the church now, she said. 'The church knew it was party to a settlement and wasn't up front about it. That was deceitful." The church, if you are talking about the diocese, was not party to a settlement and actually did not even know the terms of the settlement until recently. The rest of the article is intentionally misleading. For instance, it quotes Mr. Diebold that in March he told the Lansing State Journal that the church has not faced any 'substantiated allegations' of sexual misconduct against priests in 15 years. At the time he made that statement I believe it was true. As I understand it Mr. Diebold has been with the diocese for 14 years and as far as he knew that had not happened. The charge by John Doe 2 in 1995 was against Brother Gregory not a priest. Your next paragraph borders upon the absurd by stating that a week after John Doe 2 reported the acts of Brother Gregory to Father Sullivan, he (Father Sullivan) requested that John Doe 2 serve a Sunday Mass at St. Thomas Aquinas Church, East Lansing, "While preparing for the service, John Doe 2 said Sullivan fondled him." It is absurd because Father Sullivan would not have asked a Lutheran to serve mass. There is great deal of training to being an altar server in addition to knowing Latin. You can't just stand around.

> Under the picture of John Doe 2 on page 6 it reads: John Doe 2 underwent counseling paid for by the Lansing Catholic Diocese because of his first sex abuse charge. 'This makes me feel real dirty.' As indicated, the Diocese of Lansing did not contribute a penny to any settlement with John Doe 2. As to the statement that he sold Fords and Buicks before quitting to care for his ailing mother, the Lansing State Journal owes Bishop Sullivan the duty to check that statement and to talk to the members of his family about his quitting to care for his ailing mother. I've talked to them.
>
> We request that you correct all statements to the effect that the Diocese of Lansing contributed to the settlement. We also request that you determine whether you were conned by John Doe 2. You owe that much to Bishop James Sullivan. If the State Journal has any integrity it will determine the likelihood of whether there is any truth to the allegations recently made by John Doe 2 against Bishop Sullivan. The fact that his story in 1995, which was shepherded by his attorney and verified by his psychiatrist, and is now completely different, adding a new charge against Bishop Sullivan, should give you pause as to the credibility of his recent charge. I heard your arguments as to why you think it is possible but I believe that if you look into his background and what he has done in the past, along these lines, we are hopeful that you will recognize that your statements concerning Bishop Sullivan are not true. In light of the great harm done to Bishop Sullivan as evidenced by the letter I gave you from the Diocese of Fargo, the expenditure of effort to determine the truth of the allegations is warranted.
>
> The overall harm done by the article is beyond repair. The diocese is in the process of its annual fundraiser and it has been adversely affected by this article already, and we will know the full extent of harm as time goes by. Please be fair with us and make it clear that diocesan funds did not go for the purpose of John Doe 2 psychiatric treatment.
>
> [*Id.* at 1–2.]

It does not clear whether the *Lansing State Journal* published a retraction; however, the following article, penned by Msgr. Murphy, was published in the July 14, 2002, St. Mary Cathedral bulletin:

> Sunday morning, June 30, 2002, we read the article in the Lansing State Journal alleging sexual abuse of John Doe 2 by Brother Jeffrey of Gabriels High School and Bishop Sullivan now of the Diocese of Fargo, North Dakota. John Doe 2 went to the paper with his story in all its

graphic details. John Doe 2 was 17 years old in 1966 when these alleged events took place.

In 1994 John Doe 2 attorney initiated settlement discussions against Brother Jeffrey and the Christian Brothers. He also tried to include the Diocese of Lansing in these settlement discussions. The Diocese of Lansing was not a party to the final settlement amounting to $10,000.00 worth of counseling for John Doe 2, as there were no claims of sexual abuse against any priest of the diocese. The Christian Brothers paid the final settlement since it was less expensive to pay off John Doe 2 than to litigate the case. The Christian Brothers have always maintained the innocence of Brother Jeffrey. The Lansing State Journal claimed the Diocese of Lansing paid part of the settlement in an effort to keep the matter confidential. That is clearly false. The Lansing Diocesan attorney [] has given a copy of the settlement papers to the Lansing State Journal personnel providing that fact.

The Diocese of Lansing has in its possession a copy of John Doe 2 handwritten account of what transpired at the time of the alleged incident with Brother Jeffrey. In that account there is no mention of Bishop Sullivan sexually abusing John Doe 2. He does say Bishop Sullivan was rude to him when he came to make his complaint against Brother Jeffrey. John Doe 2 wrote this account under the supervision of his attorney, Justin Ravitz, and that would have been the ideal time to raise an accusation against Bishop Sullivan. However, he made no such accusation. This fact calls into question the accusation John Doe 2 is making at this time. It is my firm belief that Bishop Sullivan is the victim of a false accusation.

John Doe 2 says he was victimized by Bishop Sullivan when he was an altar server at St. Thomas Aquinas Church in 1966. To my knowledge John Doe 2 is not now nor has he ever been a Catholic. Therefore, it is highly unlikely that he was an altar server at St. Thomas Aquinas Parish in East Lansing. Non-Catholics are not asked to be altar servers. Bishop Sullivan was the pastor of St. Thomas Aquinas Parish from 1978 to 1985. He was not assigned to St. Thomas Aquinas Parish in 1966.

John Doe 2 claimed that the diocesan personnel was very insensitive and unresponsive to him when he made his complaint to Msgr. Lunsford and myself. That is not true. At the conclusion of our meeting with him he was effusive in thanking us for being so respectful and kind to him. He said we listened to his complaint and

> treated him well. In the article he characterized our treatment of him in a pejorative manner.
>
> [T]he Lansing Diocesan attorney [and] the Diocesan Finance Officer, and I met with the editor of the Lansing State Journal to voice our complaints and concerns about this article. We objected to the errors made by the author of the story and the manner in which it characterized the Diocese of Lansing and its personnel. We asked for a retraction and a correction of the facts about this matter.
>
> I share all this information with you to help you understand the Diocese of Lansing's side of this matter. There were factual errors in the article printed by the Lansing State Journal, and those errors have damaged the accused and the diocese.
>
> I ask for your prayers for all parties involved in this matter. We all need your prayers because this has been a very difficult situation. Thank you in advance for those petitions made to the Lord on our behalf.
>
> Msgr. Murphy
>
> [App'x RB#13, Article in St. Mary Cathedral bulletin, dated July 14, 2002, pp 1–2.]

In a letter dated September 20, 2002, Fr. Jim Shaver, another family member to John Doe 2, wrote a memo to "Diocesan Legal" and advised that John Doe 2 was never an altar server, nor was he a Catholic. (App'x RB#14, Letter from Fr. James Shaver to Diocesan Legal, dated September 20, 2002, p 1.) Fr. Shaver wrote the following regarding his family member, John Doe 2:

> Our most recent contact involved [John Doe 2] desire to be baptized. On three occasions this year, the most recent being May 18th, I've scheduled an adult baptism for John Doe 2. We really are not supposed to baptize an adult until they've gone through the RCIA program. John Doe 2 claimed he was dying of cancer. A cousin [] suspected with me that this was another one of John Doe 2's "stories," but we decided that he'd never stick with an RCIA class anyway, so I might as well baptize him. Prior to baptizing him I reminded him that, though he wasn't Catholic, any Christian baptism would suffice for our purposes, and we could simply welcome him into the church and give him Confirmation and First Communion.
>
> No, he insisted, baptism was necessary because he was unbaptized. On all three occasions, he backed out of the ceremony with a last minute phone call. You can imagine my astonishment then, when I

> received a phone call from a State Journal reporter on June 21st about my "devout, practicing-Catholic family member, John Doe 2." I advised her that John Doe 2 not only hadn't been an altar boy, he wasn't a Catholic – he wasn't even a baptized Christian. I told her about our cancelled sacramental sessions. My final words to her were that if she ran that story she would experience no greater embarrassment in journalism than when the truth finally came out.
>
> When the story came out anyway on the front page of the Lansing State Journal, I had one certainty. Not a single person that knew John Doe 2, not one, would think "O poor John Doe 2, now I know why he's the way he is." They would instead unanimously be thinking "what's John Doe 2 up to now?" That certainty was based upon a well-developed long-held reputation John Doe 2 had with his immediate and extended family that he was extremely loose with the truth. Some might call him a pathological liar but I always thought it was more delusional – that he came to believe the wild stories he would tell about himself.
>
> Due to the fragility of his mental state, I hope we don't have to humiliate John Doe 2 in court by revealing a very checkered past filled with constant untruths. But I would urge you as strongly as I can, not to settle out of court for even one dollar. I wish the Christian Brothers, who paid so much for treatment seven years ago, had contacted me. I'd have told them their offer was foolish. And isn't it interesting that in all the time around his mother's death, occurring between that claim and this one, that John Doe 2 never mentioned <u>any</u> of this to me? I think, he knew I'd unmask him.
>
> There are many specifics that I and John Doe 2's other relatives can speak to. I hope it's not necessary. However, we cannot allow a bishop, who's defenseless with Alzheimer's. to have a holy career besmirched by an "altar boy" that never was.
>
> [*Id.* at 1–2 (emphasis in original).]

Br. Gregory is not on the Diocese of Lansing credibly-accused clergy list; however, Bishop James Sullivan, the former Fr. James S. Sullivan, is on the Lansing Diocese's credibly-accused clergy list, apparently related to a separate allegation that arose after he died in 2006.[13] See entry no. 49 below.

[13] https://www.dioceseoflansing.org/human-resources/list-clergy-credible-allegation-sexual-abuse-minor ("The credible allegations against Bishop Sullivan . . . [was] received posthumously.") (last accessed December 15, 2024).

(5) FR. JAMES B. BETTENDORF

Born: October 22, 1933
Ordained: June 6, 1959
Died: July 25, 2012

Fr. James B. Bettendorf was born on October 22, 1933, in Jackson, Michigan, and was ordained to the priesthood for the Diocese of Lansing on June 6, 1959. (App'x JBB#1, *Flint Journal*, "Rev. James B. Bettendorf Obituary," p 1.) Fr. Bettendorf died on July 25, 2012. (*Id.*)

In December of 2017, Witness 7 emailed Bishop Earl Boyea and alleged that her family member, Jane Doe 3, "was molested" by Fr. Bettendorf when Jane Doe 3 was a high school student where Fr. Bettendorf worked, apparently more than 50 years earlier. (App'x JBB#2, Email from Witness 7 to Bishop Earl Boyea, dated December 5, 2017, p 2.) Jane Doe 3 was born in 1947.[14] Witness 7 explained that Jane Doe 3 disappeared after high school, and no one knew where or why she left. (*Id.*) Many years later, when Jane Doe 3's mother's health was deteriorating, Witness 7 hired an investigator to find Jane Doe 3. (*Id.*) According to Witness 7, the investigator found Jane Doe 3, and Witness 7 visited her to tell her about her mother's failing health, hoping that Jane Doe 3 would visit her; however, Jane Doe 3 was too frail to travel. (*Id.*)

In her December 2017 email, Witness 7 also explained that she visited Jane Doe 3 again, Jane Doe 3's mother having died in the interim, and, during the visit, Jane Doe 3 told Witness 7 that Fr. Bettendorf had sexually abused her. (*Id.*) Witness 7 wrote:

> The next time I came to visit her we talked a long time. She told me the story of "why" she had disappeared and "why" she had to go into hiding. Her words came with tears and a crackling voice as she spoke. My eyes filled with tears as I listened. She was molested by the priest

[14] See https://www.findagrave.com/memorial/269272332/[name] (last accessed December 15, 2024).

> who had been her mentor. He stalked her at college, wanted her to marry him and stated he would leave the priesthood. He continued to harass her. Jane Doe 3 was fearful of him. In high school when this was happening Jane Doe 3, who was extremely quiet could not tell her friends, Jane Doe 3 went to her mother and told her. Her mother told Jane Doe 3, "[i]f this is happening you are coming on to him." She didn't believe Jane Doe 3. Her mother worked in the church offices at Sacred Heart parish under Fr. George Zabelka (sp?) and Fr. Tommy Thompson (?) and for lack of a better word . . . her mother "worshipped" the priests and thrived on the attention which she was given. So why would she believe her daughter and risk losing her position at church. Then Jane Doe 3's father died and that was the breaking straw. She was very, very close to her dad.
>
> This is why Jane Doe 3 left. And as I stated, Fr. B followed her to college and continued sexually harassing her until she went into hiding. Jane Doe 3 was so traumatized that she left the church and God. When you go to a Catholic grade and high school back in the 1950's, the priest and the Church represented God. They were authority. I know you know the dynamics Bishop. The tragedy is that Jane Doe 3's gentle, serving and loving spirit was damaged so much so that she walked away from a Church she loved, her dream of being a nun was destroyed and she went into hiding. The tragedy is as she lays on her death bed . . . she believes this life is all there is and when it is done it is completely over.
>
> [*Id.* (ellipses in original).]

On December 7, 2017, two days after Bishop Boyea received Witness 7's email, the general counsel for the Diocese of Lansing wrote Deputy Chief Assistant Prosecuting Attorney John Potbury of Genesee County to notify him of Witness 7's allegation regarding Fr. Bettendorf. (App'x JBB#3, Letter from, General Counsel of the Diocese of Lansing, to John R. Potbury, Deputy Chief Assistant Prosecuting Attorney of Genesee County, dated December 7, 2017.) The diocesan attorney advised that the alleged sexual abuse occurred when Jane Doe 3 was a student at St. Michael High School in Flint in the 1950s. (*Id.*) The letter also advised Potbury that Fr. Bettendorf was deceased, and Jane Doe 3 was "in the later stages of colon and rectal cancer and [was] not expected to live much longer." (*Id.*)

Jane Doe 3 passed away in 2018. (App'x JBB#4, Email from Fr. Karl Pung to Bishop Boyea and others.) Before her passing, Fr. Pung, on behalf of the Diocese of Lansing, visited her weekly, noting that she had "opened" to God and was anointed before her death, and that the Diocese contributed an unspecified amount of money for Jane Doe 3's grave. (*Id.*)

There are no other allegations in the diocesan files against Fr. Bettendorf.

(6) FR. JOHN ANDREW BLASKO

Born: February 19, 1907
Ordained: June 11, 1933
Died: January 29, 1960

Fr. John Andrew Blasko was born on February 19, 1907, in Czechoslovakia and was ordained to the priesthood on June 11, 1933, in Detroit, Michigan, for the Archdiocese of Detroit. (App'x JAB#1, the Diocese of Lansing data sheet.)

In a typewritten outline of notes from a meeting that occurred on September 28, 2000, titled "Meeting with Msgr. Murphy – the following is a faithful transcription of notes of a meeting with John Doe 3 Msgr. Murphy," it stated that Msgr. Murphy met with John Doe 3. (App'x JAB#2, Typewritten outline of notes, titled "Meeting with Msgr. Murphy – the following is a faithful transcription of notes of a meeting with John Doe 3 and Msgr. Murphy," from September 28, 2000.) During the meeting, John Doe 3 alleged that Fr. Blasko had sexually abused him when John Doe 3 was 17 years old in the early 1960s. (*Id.*) John Doe 3 alleged that he and five others went to Fr. Blasko's cabin where they got nude and drank, and Fr. Blasko shot them with a BB gun. (*Id.*) John Doe 3 also alleged that Fr. Blasko masturbated him. (*Id.*) John Doe 3 stated that he talked to Fr. Blasko about the sexual abuse, and the latter allegedly stated that "that's the power of booze." (*Id.*) According to this report, Fr. Blasko got John Doe 3 into a seminary at Wauwasee, where a Fr. Pat Atkins allegedly sexually abused John Doe 3 in a shower during summer camp. (*Id.*) In 1962, John Doe 3 stated that he had a nervous breakdown and had "shock treatment." (*Id.*) John Doe 3 reported that there were other victims of Fr. Blasko in his high school class. (*Id.*) John Doe 3 said he was "damaged by the abuse" and wanted compensation, but no amount was requested. (*Id.*)

On January 13, 2014, VAC Adrienne Rowland interviewed John Doe 3 via telephone in response to his inquiries with diocesan officials, and John Doe 3 alleged that he had been sexually abused by two priests on separate occasions, the first time by Fr. Blasko in 1957 when John Doe 3 was 17 years old, and the second time in 1961 by Fr. Pat Atkins when John Doe 3 was 21 years old. (App'x JAB#4, Victim Assistance Coordinator Allegations Record, telephone interview with John Doe 3, dated January 13, 2014, p 1.) According to this report, Fr. Blasko was the pastor at Sacred Heart and Holy Redeemer School in Flint, Michigan, and Fr. Atkins was prefect at Our Lady of the Lake Seminary in Wawasee, Indiana. (*Id.*)

With regard to the allegation John Doe 3 made against Fr. Blasko, the VAC report included the following summary:

> John Doe 3 reports that Blasko took himself and 5 or 6 other football players in summer of 57 on vacation. He described himself and the other players as "[a]thletic, young, healthy men." He stated that they

> stayed on a river by a camp that Blasko either owned or had access to. John Doe 3 reported that Blasko said "you can set out here and drink and do whatever you want." John Doe 3 reported that at 17 years old he thought that was great and tried to get drunk. John Doe 3 reported that Blasko told the boys to sit in the river and he shot a BB gun at them from 6 or 7 yards away. He reports that he thought it was very weird that Blasko was shooting a BB gun at a bunch of naked boys who were drunk in the river. He stated that they had a nice meal, continually drinking and the other guys passed out. John Doe 3 reports that he stayed up until 3:30 in the morning and was finally the last one to go to bed. He states that he was laying in bed and woke up feeling something that felt odd and when he looked down, he saw Blasko over top of him with his false teeth out of his mouth and with John Doe 3 penis in his hand. John Doe 3 reports that he had already ejaculated as he saw semen on Blasko's cheek. He reports that Blasko was breathing hard. John Doe 3 reports that he was stunned and shocked. He states that he pretended that he was still asleep and realized that Blasko had his hand on his hip. John Doe 3 was fearful that Blasko would try to violate him anally so he rolled over and brought his knee up hard intending to hit Blasko in the nose. John Doe 3 reports that he hit Blasko in the forehead and was driven back. John Doe 3 reports that he tried to breathe normally as it appeared Blasko was heading for another bunk. John Doe 3 thought he was going to another kid so he pretended to wake up. At that time, someone else said it's time to wake up. John Doe 3 reports that he didn't say anything but got really quiet. Blasko dropped John Doe 3 off [] at home. He reports that on Saturday he went to rectory and told Blasko that they needed to talk. Blasko invited him in and John Doe 3 said "I know [what you did, you thought I was sleeping." John Doe 3 reported that he said "oh don't worry about that [John Doe 3], that's the real problem with drinking; never get drunk because you'll do the same thing." John Doe 3 reports that he asked Blasko "oh that's what happens when people get drunk?" And Blasko responded, "let that be a lesson to you, never get that seriously drunk again." John Doe 3 reports that Blasko had been drinking but he was not drunk. John Doe 3 reports that Blasko made sure he avoided him after that. John Doe 3 reports that when he was an altar boy he made sure it was never with Blasko and the following year he graduated and left for the seminary.
>
> [*Id.* at 1–2.]

The VAC report further stated:

> John Doe 3 reports that he tried to tell his parents but they didn't believe him. His parents told a social worker who also didn't believe him, and who referred him to a psychologist who didn't believe him, who

> then referred him to a psychiatrist. John Doe 3 was reportedly sent to Hurley for shock treatments. He reports that he didn't quit talking about it. Therefore, he had shock treatments and hydro treatments. John Doe 3 reported that Hydro treatments were used "to bring down the temperature of the body so the brain would heal." John Doe 3 reports the 5th time he had treatment, his dad came to visit. He states that he told his dad that he was crazy and couldn't handle it anymore. John Doe 3 reports that 45 years later he is having trouble with memory, focus, and attention deficit. He states that he had a neurological test in 1999 at Michigan Rehab, which confirmed a cognitive disorder. In early 2000, John Doe 3 realized [he] had blocked all of his memories about the seminary with the exception of the incident. He states that he didn't remember any of the good until later.
>
> [*Id.* at 3.]

John Doe 3 told the VAC he "reported that there was an experience with Blasko." (*Id.*) John Doe also claimed to know four other victims, but did not disclose their names because he thought that the decision to do so should be made by them. (*Id.*)

By letter dated, January 14, 2014, the VAC followed up with John Doe 3, and provided him with a copy of her allegation record. (App'x JAB#5, Letter from VAC coordinator to John Doe 3, dated January 14, 2014.) In her letter, the VAC advised that the Diocese would pay for John Doe 3's therapy and psychiatric services, as well as medications, that are not covered by his insurance provider. (*Id.*) She also wrote that the Diocese would schedule a time for John Doe 3 to meet with the bishop. (*Id.*)

On February 3, 2014, Msgr. Steven Raica spoke to Fr. Tom Enneking, Provincial of the Crosier Fathers, who informed Msgr. Raica that Fr. Pat Atkins was deceased and had taught "at their Seminary in Syracuse, IN." (App'x JAB#6, Memorandum of Msgr. Steven Raica to File, dated February 3, 2014.) On the following day, Msgr. Raica emailed the VAC and advised her of his conversation with Fr. Enneking and provided her the name and contact information for the Crozier Fathers order to whom John Doe 3 should contact "for a claim against Fr. Atkins." (App'x JAB#7, Email from Msgr. Raica to VAC coordinator, dated February 4, 2014.) Msgr. Raica also wrote that he provided a copy of her allegation record and advised Fr. Enneking that the Lansing Diocese "notified the prosecutors of John Doe 3's claim." (*Id.*) Msgr. Raica further wrote that Fr. Enneking was "willing to cooperate in whatever way possible." (*Id.*)

By email correspondence dated February 4, 2014, Msgr. Raica wrote to Fr. Tom Enneking, following up a conversation they had the previous evening regarding the John Doe 3 allegations. (App'x JAB#8, Email from Msgr. Raica, Chancellor of the Diocese of Lansing, to Fr. Enneking ("Tom,"), dated February 4, 2014.) In the email, Msgr. Raica attached a copy of VAC Rowland's report as well as two letters

written to prosecutors. (*Id.*) He also advised Fr. Enneking that John Doe 3 would be meeting with the Diocese's Review Board the following week. (*Id.*)

In a handwritten note dated May 3, 2014, Bishop Earl Boyea wrote to John Doe 3 advising that he could not meet at the times requested by John Doe 3. (App'x JAB#10, Handwritten note from Bishop Earl Boyea to John Doe 3, dated May 3, 2014.) Bishop Boyea wrote that he would be gone most of the month of May; however, he suggested that they could meet in June and in September, and also invited John Doe 3 to write to him. (*Id.*)

John Doe 3 passed away on July 17, 2014. (App'x JAB#11, John Doe 3 Obituary, dated July 17, 2014.) Two months later, a settlement agreement was executed between the Diocese of Lansing and John Doe 3, in the amount of $8,882.14, to reimburse Witness 123, relative of John Doe 3, for the funeral expenses. (App'x JAB#12, Settlement Agreement (undated) from 2014, signed by Witness 123 and John Cameron, Chancellor of the Diocese, pp 1–4.) In a letter dated September 26, 2014, Witness 123 wrote: "On behalf of the John Doe 3 family, I would like to express our gratitude for the professional manner in which our request was handled." (App'x JAB#13, Letter from Witness 123 to an attorney for the Diocese.)

There was no additional information found in the Fr. Blasko file regarding John Doe 3's allegations, including the determination of the Diocesan Review Board.

(7) FR. ALPHONSE BOARDWAY, O.F.M.
(LISTED ON DIOCESE OF LANSING, DIOCESE OF LAS CRUCES, AND DIOCESE OF LUBBOCK CREDIBLY-ACCUSED CLERGY LISTS AND LISTED ON THE BISHOP ACCOUNTABILITY SITE.)

Born: March 25, 1938
Ordained: 1967
Died: September 23, 1997

Fr. Alphonse Boardway was born on March 25, 1938, in Franklin County, New York. (App'x AB#1, Find a Grave, Fr. Alphonse Boardway.) Fr. Boardway was ordained to the priesthood in 1967 as a Franciscan and was murdered on September 23, 1997, in Arizona, where he resided at the time. (App'x AB#2, *Lansing State Journal*, "Friars to help sex-abuse victims," dated August 5, 2002, p 1.)

On April 3, 2002, John Doe 4 contacted the Diocese of Lansing and requested to meet with the bishop regarding "sexual abuse in the [L]ansing community." (App'x AB#3, Email from John Doe 4 to the Diocese of Lansing, dated April 3, 2002.) Eight days later, on April 11, 2002 Msgrs. Lunsford and Murphy met with John Doe 4. (App'x AB#4, Letter from Msgr. Robert Lunsford, Chancellor of the Diocese, to John Doe 4, dated April 17, 2002.) During the meeting, John Doe 4 alleged that he was raped, both orally and anally, by Fr. Boardway in 1968. (App'x AB#5, Unsigned handwritten notes apparently from Msgr. Lunsford, p 1; App'x AB#6, Unsigned handwritten notes apparently from Msgr. Murphy, p 1, dated and April 11, 2002.) John Doe 4 alleged that Fr. Boardway was best friends with John Doe 4's parents, and, as such, the four of them went on a vacation together, during which John Doe 4 and Fr. Boardway slept in the same bed where the alleged sexual abuse occurred. (AB#6, *id.*) John Doe 4 alleged that prior to the event, Fr. Boardway gave him rum and got him drunk. (*Id.*) John Doe 4 told the Monsignors that he told his parents about the sexual abuse immediately, and they told him "to shut up and not talk about it." (*Id.*) After the alleged sexual abuse, John Doe 4 "had serious psychological problems[,] especially in the 1970's." (*Id.*) John Doe 4 also claimed that he had been treated for panic attacks and felt empty inside, (*id.*), feeling "[his] faith in God [was] betrayed," (AB#5, *id.* at 2.)

During the April 11, 2002, meeting, John Doe 4 also told the Monsignors that he contacted the Franciscan order in 1977 about the alleged sexual abuse, but "kept getting stalled." (App'x AB#5, *id.* at 1.) John Doe 4 also stated that he spoke to the diocesan legal counsel, who informed John Doe 4 that "the statute of limitations had expired." (App'x AB#6, *id.* at 1.) During the same meeting, John Doe 4 further alleged that Fr. Boardway threatened to harm him if John Doe 4 "ever told anyone what happened." (*Id.*) John Doe 4 stated that, in 1980, he received a check in the amount of $500.00 from the Franciscans. (*Id.*) It is unclear from the handwritten notes for what purpose the check was given to John Doe 4.

During the same April 2002 meeting with Monsignors Lunsford and Murphy, John Doe 4 stated that, seven years earlier, in 1993, he had flown to St. Louis, Missouri, and met with Fr. Boardway and other Franciscans, during which time Fr. Boardway did not apologize, but rather allegedly "mocked" John Doe 4 and told him that he "[could not] prove" the sexual abuse happened. (*Id.*) According to the handwritten notes, the Franciscans made John Doe 4 a "financial offer." (*Id.*) It is not clear if that offer was made while John Doe 4 was in St. Louis or at some time thereafter. John Doe 4 stated that the Franciscans "lied" to him and they tried to "buy him off." (*Id.*) John Doe 4 also alleged that he "found out" that John Doe 5 was raped by Fr. Boardway. (App'x AB#5, *id.* at 2.)

On August 5, 2002, the *Lansing State Journal* reported that "John Doe 4 and the Franciscans reached a $107,860.00 settlement in 1994." (App'x AB#1, *Lansing State Journal*, "Friars to help sex-abuse victims," dated August 5, 2002, p 1.)

On December 6, 2005, Fr. John Klein of St. Gerard Parish, faxed a letter he received from John Doe 4 to Msgr. Murphy. (App'x AB#7, Fax and undated typed letter from John Doe 4 to Father Kline [i.e., Klein], fax dated December 6, 2005.) In the letter, John Doe 4 advised that he had to take a medical leave for "severe panic attacks" he was suffering that he claimed were "the direct result of the rape by a priest." (*Id.* at 2.) John Doe 4 wrote that his long-term disability insurance would not commence for another 30 days and asked whether St. Gerard could financially assist him. (*Id.*) Msgr. Murphy suggested to Fr. Klein that "he not use parish funds for this aid, but rather St. Vincent de Paul, so that there can be some distance between the parish, the diocese and the aid that is given, which is rooted in sexual abuse of many years ago by a Franciscan priest." (App'x AB#8, Memo to the file signed by Msgr. Murphy, dated December 6, 2005.)

In 2014, Fr. Klein notified diocesan legal counsel that John Doe 4 had been diagnosed with late-stage leukemia and was in need of a bone-marrow transplant. (App'x AB#9, Email from diocesan legal counsel to Bishop Earl Boyea and Fr. Karl Pung, p 1.) Fr. Klein suggested that the Diocese help John Doe 4 and his wife, who were " 'strapped' for funds," by paying the cost for one month of their required hotel stay in the Detroit area to enable John Doe 4 to be close to the hospital after the transplant. (*Id.*) Diocesan counsel noted that John Doe 4 "is quite angry" and that

Fr. Klein "is one of the few people whom John Doe 4 trusts." (*Id.*) Bishop Boyea agreed to help the John Doe 4s, writing "[y]es, let us be of help to him," and the Diocese of Lansing reimbursed the John Doe 4s the sum of $4.018.00 for their two-month stay at the Holiday Inn Express. (AB#9, Email from Bishop Earl Boyea to John Doe 47, dated November 14, 2014; App'x AB#10, Emails between diocesan officials, various dates in December 2014.) Diocesan counsel noted that John Doe 4 "was an abuse victim, but not one of ours," explaining that "[i]t was an Indiana Franciscan," and that "it took a great effort" for him to get a response from the Franciscans, and "what he got was grudging and minimal," at least as "he experienced it." (*Id.*)

John Doe 4 passed away the following April 2015. (AB#11, Email from Fr. John Klein to Legal Counsel, dated April 28, 2015.) Fr. Klein noted that John Doe 4 went to St. Gerard "regularly to walk" away from crowds, and that Fr. Klein continued to "visit him" and that he "was with him and his family when he died." (*Id.*)

(8) FR. FRANCIS GERALD BOYER
(LISTED ON BISHOP ACCOUNTABILITY SITE.)

Born: November 17, 1916
Ordained: June 7, 1952
Died: July 18, 1973

Fr. Francis "Gerald" Boyer was born on November 17, 1916, in Muncie, Indiana, and was ordained to the priesthood on June 7, 1952, in Lansing, Michigan. (App'x FGB#1, Letter from Bishop James Sullivan, Auxiliary Bishop of Lansing, dated July 19, 1973.) Fr. Boyer died on July 18, 1973, in Lansing, Michigan. (*Id.*)

On April 11, 2006, John Doe 6 emailed Msgr. Murphy and wrote that he wanted to report that Fr. Boyer sexually abused John Doe 6 in 1961. (App'x FGB#2, Email from John Doe 6 to Monsignor Michael Murphy, dated April 11, 2006.) John Doe 6 also wrote that in 2004 he filed a complaint with the Lansing Police Department. (*Id.*; App'x FGB#3, Lansing Police Department Incident Report No. LLA040202007572, dated February 2, 2004, pp 1–6.) Msgr. Murphy replied by email dated April 20, 2006, and apologized for the alleged sexual abuse John Doe 6 suffered and asked John Doe 6 to make an appointment to meet with Msgr. Murphy, or to write him a letter "detailing the particulars" of the alleged sexual abuse by Fr. Boyer. (App'x FGB#4, Email from Msgr. Murphy to John Doe 6, dated April 20, 2006.) Msgr. Murphy also wrote that, after meeting with John Doe 6, or after receiving a letter detailing the sexual abuse, John Doe 6 would be invited to meet with the Diocesan Review Board, and, if needed, the Diocese would provide financial assistance for traveling expenses. (*Id.*)

By letter dated April 23, 2006, John Doe 6 replied to Msgr. Murphy's email and included an excerpt from his book, *Raped in the House of God*, describing the alleged abuse that took place when he was 12 years old, "sometime between January and April of 1961." (App'x FGB#5, Letter from John Doe 6 to Msgr. Murphy, dated April 23, 2006, pp 1–5.) In his own words, John Doe 6 alleged:

> The nervous, sweating, miserable man moved closer. He reached out and touched my arm. I really wanted out now. This was not comfortable, and I was aware of being truly scared. He looked directly into my eyes. As he did I could almost physically feel his sadness and the turmoil wracking his brain. Tears began to well up in his eyes. He looked at me and said, "I want you to be my friend. We can have fun together." What does he mean by fun? My mind raced through possible escape scenarios. "No one needs to know. It will be our little secret."
>
> I knew that all I wanted to do was run out of there as fast as I could. Yet somehow I couldn't move. It was as if my feet were nailed to the

floor. Father Boyer reached for my head, stroking my hair. Then, the look on his face changed from one of sadness to that of a crazed man. It was as if a malevolent being had taken over his body. I didn't know this person.

He had stopped talking. He was no longer wringing his hands, whining or fumbling around. He appeared to know exactly what he wanted. He started taking my clothes off and fear swept through every part of my twelve-year-old body. I feared that I was going to throw up and wet my pants at the same time. I had never felt so helpless. I had no idea of what to do.

My mind struggled for a solution but I couldn't think of any way to make him stop. I tried making noise. I even remember mumbling words of protest to this depraved god turned lecherous assailant, but I'm sure he didn't hear me. I stood motionless, being undressed by a paunchy middle-aged priest who was breathing heavily, panting, groaning and making strange sounds.

Once I was naked, Father Boyer stared intently as he slowly moved his hands from my head down my body, caressing me like you might pet your dog. The brutality of his demeanor made me fear for my life. Yet somehow my body began to respond in a way I had never felt before. My fear and panic could not obliterate the perverse excitement. My mind continued to race. What is going on here? What is he doing to me? As frightening as all this was the obscene caresses actually felt unfamiliarly pleasurable. Sad to say, I can't deny that. My innocence was being shattered, my sexuality prematurely activated.

This was not anything I ever expected or had heard anything about. But I knew in my heart it was wrong, a terrible sin. After caressing my body for several minutes, Father Boyer's focus moved to my genitals. He began stroking my penis until it stiffened. I was distraught. How could something this depraved and evil feel good? I never felt this sort of excitement before. It was making me feel warm all over. I knew he shouldn't be doing this, yet I couldn't make him stop.

My mind was overwhelmed by the fear, guilt and contradictory impulses. One minute I am full of fear and revulsion and the next minute my body is out of control, feeling strange, unaccustomed pleasure from the caresses of this man, this crazy man.

Finally, he took his clothes off, exposing his grossly hairy, obese body and revealing what appeared to me at the time to be a huge, hard

penis. I was not accustomed to seeing the adult penis in the erect state. At this point, he was totally out of control. His skin was rancid from the accumulated sweat. He moved silently, but emitted pathetic groans as he fondled me.

He took my hand and wrapped my fingers around his penis, making it clear he wanted it stroked. I did as instructed. It felt hot, sweaty and disgusting. I was still unable to move. My mind turned to the problem of how I was going to explain this to anyone. I continued to question, why is this happening? It was surreal.

This was certainly not normal activity for an altar boy. I knew that I was doing things that good Catholic altar boys do not do, and I had no idea of how I could possibly get it to stop. He was not only acting crazy, he was showing passion for the first time in my experience. I regretted ever wondering what he was passionate about. We were locked in a strange, sick, perverted moment in time that generated a mysterious pleasure.

Exploiting my helplessness, Father Boyer forced me to the floor, face down. He held the back of my neck, making it impossible to move. I was trapped. The beast mounted me from behind, spreading my buttocks with his hands and forcing his rock hard penis through my tight rectal sphincter. "Oh my God," I screeched in horror and pain. I was now afraid I might pass out of that I might even die right on the spot. Father Boyer no longer seemed human. He continued to emit animal-like grunts and groans. It felt like the beast was ripping me apart from the inside.

Once again my mind raced ahead. I wondered if this predatory animal would kill me. My thoughts were the only thing that shielded me from the awful pain. Perhaps I thought, death would be best. Then this nightmare would end. With that, I lost consciousness. I had no idea how long I was out. When I came to, Father Boyer stood over me, looking sad and full of shame. He told me we would talk once I had cleaned up. He had to assist me in getting up. I was in pain and had some blood and sticky, gooey stuff all over me. He helped me to get to the bathroom to wash up.

I had some sense of the enormity of what had happened to me. I had been raped by a god, a man I and my family had considered a god because of his vocation. "Rape" was not part of my twelve-year-old vocabulary, but I did not have to know the meaning of the word to experience a profound sense of being violated. I had been violated by a god whom I trusted and respected. My life would never be the same.

> I wanted to stay in the bathroom, to never come out. I went through the motions of cleaning up. I was numb, distraught and very sad. I wanted to cry but I couldn't. I finally came out of the bathroom and wanted to run. Father Boyer told me to sit while we talked. I looked at the floor. I did not want to see this man's face ever again. I listened but did not look.
>
> He seemed more composed now. He almost sounded at peace with himself as he told me that this was our secret and I wasn't to tell anyone. He said that as long as I kept the secret God would forgive me. This was a way for me to serve on another level and it was part of God's plan. I heard the words but I couldn't make sense out of anything he said. And, I didn't believe him. This man had violated me and as far as I was concerned he was evil incarnate. I wanted to run, to escape, to scream. All I wanted to do was leave and forget that any of this had happened.
>
> Perhaps, I hoped, when I walked outside it would somehow magically be over. Maybe I would wake up and realize it was just a nightmare. Finally father Boyer stopped talking and I was permitted to leave. As I walked out the door, it seemed like an eternity since I had arrived at the cathedral with my innocence intact to serve the 8:15 mass. Now, my life had changed completely in ways I wouldn't fully comprehend or understand for decades to come.
>
> One change was immediately apparent. I knew I left the magnificent Lansing cathedral that day that I had served my last mass. My dream of becoming a priest to make dad proud was not to be. I had lost my innocence and my new mission in life would have to be surviving this humiliating violation. From that day forward it would be a struggle "to get through the day," a struggle I was sure my dad never envisioned.
>
> [*Id.* at 3–5.]

By letter dated April 27, 2006, Msgr. Murphy thanked John Doe 6 for his April 23, 2006, letter, quoted in part above, and expressed his "sincere sorrow that such an event would be perpetrated on a young boy." (App'x FGB#6, Letter from Msgr. Murphy to John Doe 6, dated April 27, 2006.) Msgr. Murphy also again invited John Doe 6 to meet with Msgr. Murphy and the Diocesan Review Board. (*Id.*)

The next document found in the Fr. Boyer file regarding John Doe 6 was a Victim Assistance Coordinator Allegations Record, indicating that John Doe 6 was interviewed on September 1, 2011, by the diocesan VAC, in the presence of legal

counsel for the Diocese, legal counsel for John Doe 6, and others.[15] (App'x FGB#7, Diocese of Lansing Victim Assistance Coordinator Allegations Record, dated September 1, 2011, Catholic, p 1.) The recorded details of the sexual abuse John Doe 6 allegedly suffered from Fr. Boyer were consistent with John Doe 6's April 23, 2006, letter to Msgr. Murphy. However, during the 2011 interview, John Doe 6 stated that he had told his mother about the alleged sexual abuse, and after she discussed the matter with John Doe 6's father, they told John Doe 6 that they wanted to keep the matter "quiet." (*Id.* at 2.) John Doe 6 believed his parents "were afraid of the Catholic Church." (*Id.*) John Doe 6 also stated that his memories of the alleged sexual abuse became suppressed until 1988, and, upon recalling the memories, he asked his sister, who then worked for the Diocese, of Fr. Boyer's whereabouts, and she told him that he had shot himself in the head in his garage. (*Id.*) [Note – Correspondence from the Diocese of Lansing the day following Fr. Boyer's death on July 18, 1973 suggests that Boyer did not commit suicide, stating that Fr. Boyer had died "after a long illness." *Id.* at 2.]

During the same September 1, 2011, interview, John Doe 6 stated that the long-term effects of the alleged sexual abuse included "a sexual addiction, co-dependency, failed relationships, being a workaholic and extremely strained relationships with his now adult children." (*Id.*) John Doe 6 also claimed to have suffered "financial, physical and emotional" injuries and feelings of losing his church and his family. (*Id.*)

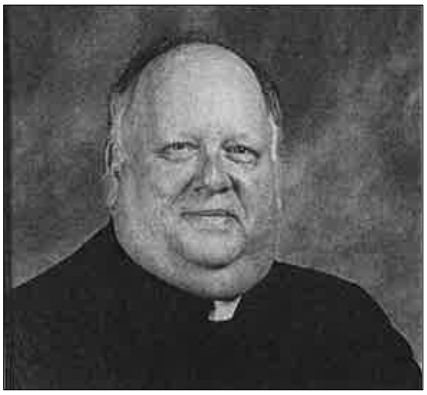
By letter dated August 16, 2012, Bishop Boyea wrote to John Doe 6 and thanked him for meeting with VAC Rowland and the Diocesan Review Board and offered to reimburse John Doe 6 "for counseling or for other reasonable steps toward healing and recovery" and to pay for future counseling and provide healing retreats. (App'x FGB#8, Letter from Bishop Earl Boyea to John Doe 6, dated August 16, 2012, p 1.) Regarding the allegation itself, he wrote the following:

> Because Father Boyer is long dead, no one will ever be able to prove what did or did not happen. However, your report (albeit not initially to the Diocese) was made long, long ago, and has been consistent for many years. So, while there obviously is no way to verify the accuracy of your statements, the Diocese has been ready for years to provide you with assistance. Those offers remain good. [*Id.*]

Bishop Boyea also invited John Doe 6 to meet with him. (*Id.* at 2.)

[15] On the first page of the Victim Assistance Coordinator Allegations Record, the name of the alleged victim is correctly identified as "John Doe 6"; however, in subsequent entries, the name is erroneously referred to as not "John Doe 6."

(9) FR. THOMAS W. BUTLER



Born: August 28, 1948
Ordained: May 15, 1982
Retired to Senior Priest Status: June 27, 2012
Died: May 3, 2018

Fr. Thomas W. Butler was born in Dallas, Texas, on August 28, 1948, and was ordained to the priesthood on May 15, 1982, at St. Mary's Cathedral for the Diocese of Lansing. (App'x TWB#1, Priest Personnel Data sheet.) Fr. Butler retired to senior priest status, effective June 27, 2012. (App'x TWB#2, Letter from Bishop Earl Boyea to Fr. Butler, dated February 15, 2012,) and he died on May 3, 2018. (App'x TWB#3, Mass of Christian Burial, Fr. Thomas Butler, p 1.)

In December 2012, several months after Fr. Butler had retired to senior priest status, John Doe 7 reported to the Diocesan Victim Assistance Coordinator that Fr. Butler sexually abused him when he was approximately 16 to 17 years old. (App'x TWB#4, Victim Assistance Coordinator Allegations Record, dated December 9, 2012, pp 1–2.) John Doe 7 worked at the church at the time and had initially been invited by Fr. Butler to eat lunch with him in the rectory. (*Id.* at 2.) John Doe 7 alleged that the sexual activity included Fr. Butler manually masturbating John Doe 7 and Fr. Butler performing oral sex on him. (*Id.*) This alleged sexual abuse occurred on Mondays because that was the other priest's day off. (*Id.*) John Doe 7 alleged that the sexual abuse occurred over a period of one-to-two years, mostly during two summers. (*Id.*)

On December 10, 2012, after finding that John Doe 7's allegation had a "semblance of truth," Bishop Earl Boyea decreed that a preliminary investigation be completed and directed Msgr. Raica to undertake that task. (App'x TWB#5, Decree of Bishop Earl Boyea, dated December 10, 2012; App's TWB#6, Letter from Bishop Earl Boyea to Monsignor Steven Raica, dated December 10, 2012, p 1.)

After Msgr. Raica completed his investigation, he wrote a memorandum to Bishop Boyea on December 18, 2012, concluding that, at the time John Doe 7 alleged the sexual abused occurred, Fr. Butler was a layperson "attending major seminary near

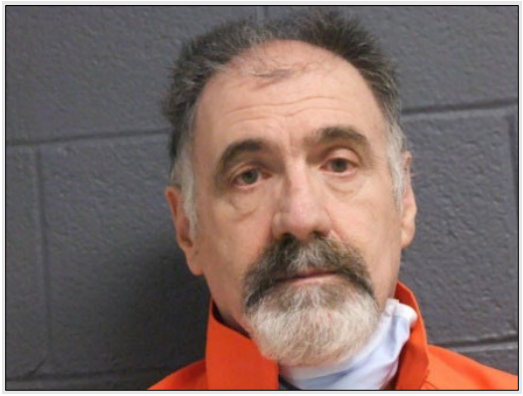
Boston[,]" and did not have any "connection with Holy Rosary Parish until his assignment there as parochial vicar in 1982." (App'x TWB#7, Memorandum from Monsignor Steven Raica to Bishop Earl Boyea, dated December 18, 2012, p 3.) Although Fr. Butler was not physically present during the years John Doe 7 alleged he was sexually abused while a minor, Fr. Butler did admit to Msgr. Raica that he had a sexual relationship with John Doe 7 some years later, between 1983–1985, when the latter was an adult, after which time Fr. Butler underwent treatment at the Meadows. (*Id.* at 3–4.) Thus, Msgr. Raica determined that "the claim made by John Doe 7 against Fr. Thomas Butler from 1978–1980 cannot be verified." (*Id.*)

On December 18, 2012, based on the results of Msgr. Raica's investigation, Bishop Boyea found and declared "that the allegation lodged against the Reverend Thomas Butler to be manifestly false within the timeframe indicated by the allegant[,]" and he further decreed that "no further action be taken[.]" (TWB#8, Decree of Bishop Boyea, dated December 18, 2012, p 1.) On the last page of the decree, Bishop Boyea handwrote that he also spoke to Fr. Matthew Fedewa, who was the pastor at St. Michael Parish in Flint during the applicable timeframe, and, as far as Fr. Fedewa knew, Fr. Butler had no contact with Holy Rosary Parish during the time alleged by John Doe 7. (*Id.* at 2.)

In the December 2012 decree, the bishop also directed that the matter be reviewed by the Diocesan Review Board, although there were no documents found in the Fr. Butler priest file to determine whether or not that occurred. (*Id.*) Bishop Boyea also wrote in his decree that, "[s]hould John Doe 7 have additional information, he may petition to re-open this investigation within the peremptory period of ten days." (*Id.* at 2.) The file does not reflect that John Doe 7 proffered additional information or that the matter was otherwise reopened.

On December 19, 2012, diocesan legal counsel forwarded the allegation to the Genesee County Prosecutor's Office for review.

(10) MR. JOSEPH ALFONSE COMPERCHIO, JR., A/K/A BR. JOE COMPERCHIO, A/K/A JOSEF COMPERCHIO



Born: October 3, 1953
Sentenced: August 4, 2021
Died: June 2, 2022

Joseph Alfonse Comperchio, Jr., also known as Brother Joe Comperchio and also known as Josef Comperchio, was born on October 3, 1953. (App'x JAC#1, MDOC Biographical Information, MDOC No. 669804, SID No. 1291930A, Joseph Alfonse Comperchio, Jr., p 1.) Comperchio died in prison on June 2, 2022, while serving time for his convictions for one count of first-degree, criminal sexual conduct and three counts of second-degree, criminal sexual conduct. (*Id.*)

By letter dated January 15, 2019, the general counsel for the Diocese of Lansing notified the Jackson County Prosecuting Attorney and the Department that John Doe 8 reported to the diocesan VAC that he had been sexually abused by Brother Joe Comperchio at St. John the Evangelist School between third and sixth grade in approximately 1973–1976. (App'x JAC#2, Letter from general counsel for the Diocese of Lansing to the Jackson County Prosecutor, dated January 15, 2019, p 1.) The counsel wrote that Deacon David Etters, a Catholic deacon connected with St. John's Parish in Jackson remembered Comperchio as having worked for St. John Elementary School in the early 1970s and as being known as "Brother Joe," The Diocese was unable to confirm that Comperchio was employed at the school in those years, that the school employed any religious brothers, or that the Diocese ever had a religious brother by the name of Joseph Comperchio. (*Id.*) Deacon Etters believed that Comperchio was alive and working as a theatre teacher in Fort Myers, Florida. (*Id.* at 2.)

On February 19, 2020, as part of the Department's investigation, Sgt. William Luebs of the MSP interviewed Deacon David Etters, and Deacon Etters stated that Joseph Comperchio was a layperson who was called "Brother Joe," and that he was a drama and art teacher at St. John Elementary School in the early 1970s. (App'x JAC#3, MSP Original Incident Report, NIS-0000004-20, dated February 19, 2020, pp 3–4.) Deacon Etters met Mr. Comperchio in 1972. (*Id.* at 4.) A few years prior

to his interview with Sgt. Luebs, Deacon Etters had dinner with Comperchio, when the latter was visiting the Jackson area. (*Id.*) During that time, Comperchio told Deacon Etters that he was living in Fort Myers, Florida, and teaching at a private school named Canterbury. (*Id.*) According to Deacon Etters, Comperchio resided in Michigan "until the late 1970's or early 1980's[,]" after which he moved to Boston and eventually to Fort Myers. (*Id.*) Deacon Etters had never heard of any sexual-abuse allegations made against Comperchio until a few years prior, when "an older couple at church confided in him that their son was sexually assaulted by Joe Comperchio at St. Elementary School in the 1970's." (*Id.*) Their son's name was John Doe 8, a man in his 50s. (*Id.*)

On February 26, 2020, Sgt. Luebs interviewed John Doe 8. (*Id.* at 5.) John Doe 8 alleged that "Brother Joe" started to sexually abuse him when he was in the fourth grade at St. John's Elementary School, and the sexual abuse continued through his sixth-grade year. (*Id.* at 6.) John Doe 8 alleged that the sexual abuse took place in the 1970s, when he was 10 to 13 years old. (*Id.* at 5–6.) John Doe 8 alleged that the first assault took place in the drama classroom where Comperchio "came up behind him, hugged him from behind, and then Joe Comperchio put his hands down the front of John Doe 8's pants and fondled John Doe 8 genitals." (*Id.* at 6.) The alleged fondling lasted about one minute. (*Id.*) John Doe 8 alleged that Comperchio told him "that it was alright," and John Doe 8 "remember[ed] wanting to escape that room." (*Id.*) John Doe 8 also alleged that he felt Comperchio's erect penis "pressed into his back." (*Id.*) John Doe 8 further alleged that, while Comperchio rubbed his penis into John Doe 8's back, Comperchio was fondling John Doe 8's genitals. (*Id.*) John Doe 8 alleged that, when he was a fifth grader, Comperchio sexually abused John Doe 8 at Comperchio's apartment. (*Id.*) Sgt. Luebs wrote the following in his report regarding the alleged second encounter:

> Joe Comperchio stated that he needed to nap and told John Doe 8 that he could lay in the bed with him. Joe Comperchio removed his own pants and lay in the bed. John Doe 8 also lay in the bed. Joe Comperchio began rubbing John Doe 8's penis. Joe Comperchio took John Doe 8's hands and began rubbing Comperchio's penis with John Doe 8's hands.
>
> Joe Comperchio placed his mouth on John Doe 8's penis. Joe Comperchio then asked John Doe 8 to put his mouth on Comperchio's penis. Joe Comperchio told John Doe 8 to "lick it like a lolly-pop." John Doe 8 licked Comperchio's penis. Comperchio took John Doe 8's head in his hands and pushed John Doe 8's head down onto Comperchio's penis. Joe Comperchio told him to "suck it like a sucker, up and down."
>
> John Doe 8 was really scared and felt like he was in "fight or flight." He believed that Joe Comperchio may beat him up, although Joe

> Comperchio never threatened him. John Doe 8 got up and jumped back from Comperchio's penis and went towards the window. There was a bunch of change on the floor and John Doe 8 remarked about how much change there was. Joe Comperchio told him he could have all the change. He does not recall if he took the money.
>
> [*Id.* at 6–7.]

After the above-quoted assault allegedly occurred, John Doe 8, while still in the fifth grade, went to Comperchio's classroom to talk about it, and, when he entered the classroom, he saw Comperchio standing behind another young boy with Comperchio's hands down the front of the boy's pants in the same manner as John Doe 8 was allegedly sexually assaulted the first time. (*Id.* at 7.) He quickly exited the classroom. (*Id.*) John Doe 8 alleged that, during an overnight school trip, he saw Comperchio assault two other boys. (*Id.*) John Doe 8 was unable to provide the names of the three boys. (*Id.*)

During the same interview in February 2020, John Doe 8 told Sgt. Luebs that Comperchio "was always hugging and kissing him and the other boys" and gave them ice cream and rides home. (*Id.*) John Doe 8 alleged that Comperchio "watched the boys change clothes for the plays in the boy's restroom," with a "creepy smile on his face." (*Id.* at 8.) John Doe 8 stated that, when he was about 21 years old, he reported the sexual abuse to a priest at St. John's Church, but nothing ever happened. (*Id.* at 6, 8.) Thereafter, his "marriage fell apart," and he unsuccessfully tried to find Comperchio to confront him, and shortly after that he had a breakdown. (*Id.* at 8.)

On March 27, 2020, Sgt. Luebs again contacted John Doe 8, during which time John Doe 8 described a third time he was allegedly sexually abused by Comperchio. (App'x JAC#4, MSP Supplemental Incident Report 004, NIS-0000004-20, dated April 14, 2020, p 1.) John Doe 8 alleged the third incident took place in Comperchio's classroom during after-school play practice. (*Id.*) John Doe 8 alleged that Comperchio hugged John Doe 8 and touched John Doe 8's genitals while clothed, and Comperchio "also had John Doe 8 touch Joe's genitals over his clothing." (*Id.*) John Doe 8 provided a written statement of John Doe 8's allegations in early August 2020, pursuant to Sgt. Luebs' request. (App'x JAC#5, MSP Supplemental Incident Report 006, NIS-0000004-20, dated August 5, 2020, pp 1–3 and attachment.)

On February 14, 2020, diocesan legal counsel forwarded Sgt. Luebs information regarding possible abuse of John Doe 9 by Comperchio. Sgt. Luebs interviewed John Doe 9, and John Doe 9 "confirmed that he was a victim of abuse." (App'x JAC#4, MSP Supplemental Incident Report 004, NIS-0000004-20, dated April 14, 2020, pp 1–2.) John Doe 9 alleged that "a dude had his hands in my pants a number of times[.]" (*Id.* at 2.) John Doe 9 told Sgt. Luebs that he would have to give some

thought about the matter before discussing the alleged sexual abuse any further and agreed to talk again in a week; however, Sgt. Luebs called John Doe 9 three times in April 2020, leaving voice-mail messages each time, and John Doe 9 never returned any of the calls. (*Id.*)

On April 7, 2020, Sgt. Luebs asked the current pastor of St. John's Parish in Jackson, Fr. Chas Canoy, to search employment and other records regarding Comperchio, and Fr. Canoy replied with the following:

> Thank you for giving attention to this very important matter. I had reported a couple of folks (Witnesses 13 and Witnesses 119) who said that their sons (John Doe 8 and John Doe 10) had been violated by this person. Nothing seemed to have come from reporting the allegations, so I'm glad you are on the case. I have not been able to find dates of employment, but we do know that he was working there by 1977. . . I trust you've been in contact with the aforementioned folks. If not, I can certainly provide their contact information.
>
> [*Id.*]

On April 14, 2020, Sgt. Luebs interviewed the music teacher. (*Id.* at 3.) She stated that she replaced Mr. Comperchio as the music teacher at St. John Elementary School "in the Fall of 1976." (*Id.*) According to her, Comperchio left the school the previous Spring for a job in Boston. (*Id.*) She stated that Comperchio was at the school in 1974. (*Id.*)

On December 16, 2019, the Department received an email tip from John Doe 10, who alleged that he was a victim of Comperchio in the 1970s. (App'x JAC#6, Department Tip, dated December 16, 2019.) On March 5, 2020, Sgt Luebs interviewed John Doe 10, who alleged that he was sexually abused by Comperchio when John Doe 10 was a sixth-grade student at St. John Elementary School in Jackson in December of 1977. (App'x JAC#7, MSP Supplemental Incident Report 001, NIS-0000004-20, dated March 5, 2020, pp 1–2.) Sgt. Luebs summarized John Doe 10's allegations as follows:

> He was sexually assaulted by Joe Comperchio one time at Joe Comperchio's apartment in December 1977. John Doe 10 and a male classmate went to Joe Comperchio's apartment after basketball practice for a sleepover. They were going to have dinner with Joe Comperchio, play board games, and spend the night.
>
> They had a spaghetti dinner and played board games with Joe Comperchio that evening. John Doe 10 slept on the couch in the living room. His friend spent the night in Joe Comperchio's bedroom, where he believes his friend was sexually abused by Joe Comperchio.

> He woke up the next morning on the couch. Joe Comperchio and his friend came into the living room. He was laying on the couch and Joe Comperchio sat next to him, near his feet. He and Joe Comperchio watched as his friend played an activity/game. He believes the activity/game involved keeping a ping-pong ball aloft using an air hose. Their focus was on watching the friend perform the activity/game. Joe Comperchio began rubbing John Doe 10's feet and then legs. Joe Comperchio placed his hand inside the pant leg of John Doe 10's pajama pants and massaged his legs, putting his hand higher on John Doe 10's leg near his knee. John Doe 10 pulled his feet back, causing his knees to go up. This stopped the touching momentarily.
>
> Joe Comperchio again started to rub his feet/legs and progressed to rubbing John Doe 10' penis. Joe Comperchio rubbed and massaged John Doe 10' penis over John Doe 10's clothing. John Doe 10 sat up then stood up from the couch to end the sexual assault. He is not sure if his friend witnessed the assault. He is unsure how or when he departed the apartment. He assumes his parents picked him up.
>
> [*Id.*]

During the same interview with Sgt. Luebs, John Doe 10 stated that on October 26, 2000, during a business trip John Doe 10 took to Boston, where Comperchio then lived, the two met for dinner, at John Doe 10's request. (*Id.* with a copy of two emails, one from October 19, 2000, email from John Doe 10 to Comperchio regarding the meeting and the second from November 3, 2000, from John Doe 10 to a survivor group, among other documents.) John Doe 10 confronted Comperchio about the sexual abuse and how it impacted John Doe 10's life. (*Id.*) John Doe 10 stated that Comperchio apologized many times and stated that he was "fucked up" at that time; "he was then a closeted gay man." (*Id.*) Comperchio told John Doe 10 that the encounter with him was not "sexual," and Comperchio denied sexually abusing anyone else. (*Id.*) On July 31, 2020, John Doe 10 emailed Sgt. Luebs to clarify that the alleged sexual assault occurred either in December 1976 or January 1977. (App'x JAC#5, MSP Supplemental Incident Report 006, NIS-0000004-20, dated August 5, 2020.)

On October 2, 2020, Sgt. Luebs contacted John Doe 9 at John Doe 9's place of employment. (App'x JAC#8, MSP Supplemental Incident Report 0008, NIS-0000004-20, dated October 6, 2020, p 5.) John Doe 9 alleged that he had been sexually abused by Comperchio twice, the first time taking place in a vehicle, during which time Comperchio put his hands down John Doe 9's pants and fondled John Doe 9's genitals, which terrified John Doe 9, who pretended to be asleep. (*Id.*) That alleged incident took place in 1975 when John Doe 9 was 11 or 12 years old and in the sixth grade at St. John Elementary School. (*Id.* at 5–6.) The second time allegedly occurred when John Doe 9 and three other boys went on a trip with

Comperchio. (*Id.* at 6.) They stayed with a friend of Comperchio and slept in the living room in sleeping bags. (*Id.*) "Joe Comperchio crept around that night and came up to John Doe 9 and rubbed John Doe's back and genitals." (*Id.*) "Joe Comperchio fondled John Doe 9's genitals, skin to skin." (*Id.*) John Doe 9 also had a "vague memory" of a possible third incident of sexual abuse by Comperchio at John Doe 9's childhood home. (*Id.*)

On September 25, 2020, Jane Doe 4 emailed the Department and alleged that she had been sexually abused by Comperchio when she was in elementary school; however, she had no memory of the abuse, but a friend, who walked in on it, reminded Jane Doe 4 of the incident. (App'x JAC#9, Department Tip Spreadsheet, p 15, dated September 25, 2020.) On October 2, 2020, Sgt. Luebs interviewed Jane Doe 4, who stated that she had no memory of being sexually abused by Comperchio, but a friend of hers, Witness 16, had recently reminded her that Comperchio had touched Jane Doe 4's breasts in the girls' bathroom at St. John Elementary School. (App'x JAC#8, MSP Supplemental Incident Report 0008, NIS-0000004-20, dated October 6, 2020, p 3.) Jane Doe 4 attended St. John's in 1974, 1975, and 1976, from fourth through sixth grade. (*Id.*) Comperchio was the drama teacher, and all of the students called him "Brother Joe." (*Id.*) Jane Doe 4 stated that Witness 16 walked into the girls' bathroom during the assault; however, Witness 16 did not actually see the assault, because Comperchio's back was facing the entrance. (*Id.* at 4.) Jane Doe 4 stated that she felt shame when she thought about the girls' bathroom or when she was near it and thought that reaction was because of the sexual abuse. (*Id.*)

On October 6, 2020, Sgt. Luebs interviewed Witness 16. (*Id.* at 7.) Witness 16 alleged that when she was in the fifth grade at St. John Elementary School, she went into the girls' bathroom and "saw Joe Comperchio and Jane Doe 4 standing at the far end of the restroom, under a window[,]" and Comperchio "had his back to the door[,]" and Jane Doe 4 was standing in front of Comperchio "near the far wall." (*Id.* at 8.) He turned around and yelled at her to leave the restroom. (*Id.*) After she left the bathroom, Comperchio locked the door, causing Witness 16 to be "scared and worried about Jane Doe 4." (*Id.*) Witness 16 cried as she knocked on the door. (*Id.*) Witness 16 stated that she did not see Comperchio touch Jane Doe 4, but she asked Jane Doe 4 later that day what happened, and Jane Doe 4 said "[h]e went under my shirt and touched my boobies[.]" (*Id.*)

During the same interview with Sgt. Luebs, Witness 16 also alleged that Mr. Comperchio made her do a "banana dance" in class. (*Id.* at 7.) Sgt. Luebs summarized Witness 16's description of what occurred:

> Witness 16 recalled being forced by Joe Comperchio to perform a "banana dance" in front of her class. The class was instructed to dance and peel themselves like a banana. There was a small platform or stage in the classroom, about 3" tall. Joe Comperchio called her to the

> front of the class and had he[r] perform the banana dance in front of the entire class. Joe Comperchio stated, "[y]ou're sexy" and, "[c]'mon sexy, do it." He used his hands to guide her in the dance. He placed his hands on her sides, chest, hips, and outer thighs and moved her body. He stood in front and behind her while he touched her and guided her dance. His hands went under her arms and touched her breasts as he moved her. Joe Comperchio grabbed and touched her all over while he encouraged her to peel herself.
>
> [*Id.* at 7–8.]

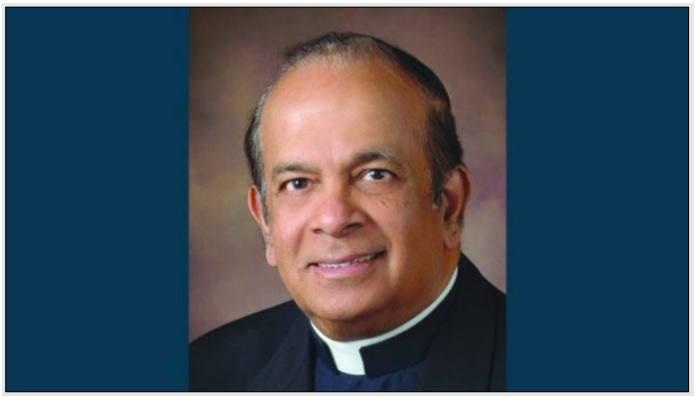
On September 8, 2020, the Department of Attorney General authorized two counts of first-degree, criminal sexual conduct and four counts of second-degree, criminal sexual conduct against Joseph Comperchio. (App'x JAC#10, MSP Supplemental Incident Report 0007, NIS-0000004-20, dated September 14, 2020, p 2.) On September 14, 2020, Comperchio was arrested in Fort Myers, Florida. (*Id.*) Shortly after the arrest, Sgt. Luebs interviewed Comperchio at the Lee County Sheriff's office, during which time Comperchio admitted to sexually assaulting John Doe 9, John Doe 10, John Doe 8, and a fourth victim, John Doe 10. *Id.* at 1, 3, 4, 5, and 6.)[16] During this interview, Comperchio explained that he was a brother for one year with the Holy Cross Brothers at Notre Dame, South Bend, Indiana, and that he "later used the pseudonym Brother Joe when he taught at school." (*Id.* at 4–5.) On September 21, 2020, Comperchio was extradited to Michigan. (*Id.* at 6.)

In October 2020, as a result of Comperchio's confession the Department authorized five new counts of second-degree, criminal sexual conduct against Comperchio.

On June 18, 2021, Comperchio pled guilty to one count of first-degree, criminal sexual conduct and three counts of second-degree, criminal sexual conduct pursuant to a plea agreement. On August 4, 2021, Joseph Comperchio was ultimately sentenced to 10 to 20 years in prison and to register as a sex offender. Comperchio died on June 2, 2022, while serving his prison sentence.

[16] When interviewed by Sgt. Luebs on September 30, 2020, John Doe 11 stated that "he preferred not to be involved in the criminal case," and stated that "he didn't consider what happened to him abuse, either then or now." (App'x JAC#8, App'x JAC#8, MSP Supplemental Incident Report 0008, NIS-0000004-20, dated October 6, 2020, p 3.)

(11) FR. BENNETT P. CONSTANTINE



Born: June 11, 1934
Ordained: February 3, 1958
Incardinated into Diocese of Lansing: November 3, 1986
Died: February 19, 2018

Fr. Bennett P. Constantine was born in Jaffna, Sri Lanka, on June 11, 1934, and was ordained to the priesthood on February 3, 1958, for the Diocese of Jaffna, Sri Lanka. (App'x BPC#1, Priest Personnel Data sheet.) Fr. Constantine started ministering within the Diocese of Lansing in 1981 and was subsequently incardinated into the Diocese on November 3, 1986. (*Id.*; App'x BPC#2, Letter of Bishop Kenneth Povish, decreeing permanent and absolute incardination, dated November 3, 1986.) Fr. Constantine died on February 19, 2018. (App'x BPC#3, Obituary of Father Bennett Constantine, p 1.)

On December 12, 1994, Witness 117 met with Msgr. James Murray and alleged that Fr. Constantine had an "improper at best and probably immoral" relationship with Witness 117's wife, Jane Doe 5, which was "in part responsible for the break-up of his marriage." (App'x BPC#4, Interoffice Memorandum from Msgr. James Murray to the File, dated December 12, 1994, pp 1–2.) Witness 117 indicated that his family member was a priest in the Diocese of Grand Rapids, and he held "great respect" for priests. (*Id.* at 2.) During that meeting, Witness 117 also provided Msgr. Murray a copy of a deposition transcript from his divorce case of a friend of his wife's who testified that Jane Doe 5 was "obviously falling in love with him [Fr. Bennett], and had met him several times at various hotels, motels around the area." (App'x BPC#5, Deposition Transcript, *Witness 117 v. Jane Doe 5*, Kent County Circuit Court, File No. 94-0386-DM, dated November 3, 194, p 6.) Witness 17 also testified that, when her husband was out of town, Jane Doe 5 and Fr. Bennett came to visit her, and, during the course of conversation, Fr. Bennett told both women that he would like to take them "to Vegas or Reno," and "to a nudist camp." (*Id.* at 7.) Witness 17 further testified that, during that same evening, Fr. Bennett hugged her and "slipped his tongue in her mouth[.]" (*Id.* at 8.) That night, Jane Doe 5 and Fr. Bennett spent the night in Witness 17's bedroom, and Witness 17 slept on the couch. (*Id.*) The following morning, Jane Doe 5 and Fr. Bennett "took a shower

together, and they left the house." (*Id.*) When asked why Witness 17 came forward about Fr. Bennett and Jane Doe 5, she testified:

> I'm coming forward just because I think Father Ben has to be stopped. Anybody who can do to me what he did the first day that he met me, there is something wrong there. I think Jane Doe 5 is also a victim of Father Bennett, whether she realizes it or not. Maybe she could see that.
>
> [*Id.* at 11.]

Msgr. James Murray noted that he found Witness 117's claim to be "sincere and credible." (App'x BPC#4, Memorandum, p 2.)

On December 15, 1994, Msgr. Murray advised Bishop Povish of Witness 117's allegations and the deposition testimony of Witness 17 and recommended that the two of them meet with Fr. Constantine "before Christmas in as much as Witness 117 agreed to delay any publicity for a limited time to allow us an opportunity to confront B.C." (App'x BPC#6, Interoffice Memorandum from Msgr. James Murray to Bishop Povish, dated December 15, 1994.) It is not clear from the file documents whether or when the meeting occurred.

By letter dated December 19, 1997, Msgr. Terrence L. Stewart, Moderator of the Curia for the Diocese of Grand Rapids, wrote to Bishop Carl Mengeling and advised that Jane Doe 5 had met with him on that day, regarding her relationship with Fr. Constantine, after her ex-husband petitioned for an annulment. (App'x BPC#7, Letter from Monsignor Terrence Stewart, Moderator of the Curia, to Bishop Carl Mengeling, dated December 19, 1997, p 1.) Msgr. Stewart wrote that his "impression of Jane Doe 5 is that she is a truthful and trustworthy person and that her allegations [of sexual exploitation] must be taken with the utmost seriousness." (*Id.*) Msgr. Stewart summarized the facts as told to him by Jane Doe 5 to the effect that the sexual relationship began on a group trip to the Holy Land in 1992 and continued after the group returned to the United States. (*Id.*) Jane Doe 5 said the "sick relationship" developed in her own home, with Fr. Constantine visiting there often. (*Id.*) This caused problems with her husband, who asked her to stop having Fr. Constantine around, but she refused because she was "sickly in love" with Fr. Constantine. (*Id.*) She and her husband started counseling, but Fr. Constantine allegedly talked her out of it and told her he was her love, and her husband was "no good and a drunkard." (*Id.*) Eventually, she filed for divorce, and things became physical between her and her husband, culminating in the arrest of Witness 117 for domestic violence; however, when her husband had Fr. Constantine subpoenaed in the divorce case, she agreed to drop the criminal charges against her husband at Fr. Constantine's urging. (*Id.* at 2.) A friend of Jane Doe 5 told Witness 117 that Jane Doe 5 was having an affair with Fr. Constantine, and Witness 117 brought the allegation to the attention of the Grand Rapids diocese, which was "passed on" to the Diocese of Lansing, resulting in Fr. Constantine meeting with Bishop Povish. (*Id.*)

Jane Doe 5 also stated, during that same December 19, 1997, meeting with Msgr. Stewart, that Fr. Constantine was a "pervert" who went to topless bars and "massage parlors," and she had accompanied him to those venues occasionally. (*Id.*) Jane Doe 5 also claimed that Fr. Constantine had had sexual encounters with two other women. (*Id.* at 3.) Jane Doe 5's relationship with Fr. Constantine ended in 1997, two years after her divorce was final, when she believed that Fr. Constantine was in the relationship "for purposes of sex." (*Id.* at 2.) She never saw him again after that, and the revelation "destroyed" her. (*Id.*) Jane Doe 5 stated that her life was ruined and that she did not believe Fr. Constantine should continue being a priest. (*Id.* at 3.) She believed he was a danger to "other vulnerable women." (*Id.*) Msgr. Stewart noted that the circumstance "needs to be dealt with immediately and forcefully," as "[s]exual exploitation by one of our shepherds of one of our flock cannot be tolerated." (*Id.*)

On December 22, 1997, three days after Jane Doe 5 met with Msgr. Stewart in Grand Rapids, she met with Fr. Murphy and Fr. Raica in Lansing. (App'x BPC#8, Confidential Memorandum from Frs. Michael Murphy and Steven Raica, dated December 22, 1997.) During that meeting, Jane Doe 5's account of the alleged years-long sexual relationship with Fr. Constantine was consistent with what Msgr. Stewart had written in his letter. (*Id.* at 1–3.) She reiterated that Fr. Constantine should not function as a priest and requested $65,000.00 and an apology. (*Id.* at 2.)

By letter dated January 8, 1998, Fr. Murphy advised Fr. Constantine of Jane Doe 5's allegations of "sexual misconduct" and scheduled a meeting to discuss them and also directed Fr. Constantine not to have contact with her "at all now or in in the future." (App'x BPC#9, Letter from Fr. Michael Murphy to Fr. Bennett Constantine, dated January 8, 1998.) On January 13, 1998, Fr. Constantine met with Frs. Murphy and Raica, and, on the following day, Fr. Murphy wrote Fr. Constantine a letter memorializing their discussion. (App'x BPC#10, Letter from Msgr. Michael Murphy to Fr. Constantine, dated January 14, 1998.) In that letter, Fr. Murphy detailed the agreement reached the previous day, as follows:

> 1. You will choose one of the psychologists from the list we gave you to do a psychological assessment with special emphasis on sexual issues. Before you contact the psychologist of your choice, you will notify me.
> 2. The report may be made to Bishop Mengeling, Father Raica and myself. The release will be signed with the psychologist you choose.
> 3. If ongoing counseling and therapy is [sic.] indicated, you will involve yourself in that counseling, leading to a successful conclusion.

4. You will make a retreat at the institution of your choosing and provide written documentation that you have completed a week-long retreat.

5. We asked you to consider writing a letter of apology to Jane Doe 5, however, you indicated you wanted to talk to your attorney before you did that. I have no problem with that and would encourage you to do so.

6. There may be other issues that surface, and those issues may place certain obligations upon the Diocese of Lansing as well as yourself. Therefore, I cannot give you an absolute assurance that we will not be requiring certain other actions from you with regard to this matter.

[*Id.*]

In that same January 14, 1998, letter, Fr. Murphy advised that the Diocese would notify Jane Doe 5 "of the demands that we have placed upon you for some resolution of this matter." (*Id.*) Fr. Murphy explained that a response to Jane Doe 5 "is a necessary action in response to her allegations." (*Id.*)

On June 1, 1998, about four and one-half months later, then Msgr. Murphy wrote to Jane Doe 5 and advised that, after he and Fr. Raica met with her to discuss her allegations against Fr. Constantine, the two priests met with Fr. Constantine, who "vehemently denied" her allegations and who stated that there had been a "friendship" between Fr. Constantine and Jane Doe 5 for more than five years, elements of which were "injudicious," but "not sexual . . . in nature." (App'x BPC#11, Letter from Monsignor Michael Murphy to Jane Doe 5, dated June 1, 1998.) Msgr. Murphy further wrote that "[w]e asked Fr. Bennett Constantine to meet some demands set forth by the diocese, and he has successfully completed those requirements[,]" consequently, "we are closing our file on this matter." (*Id.*) Msgr. Murphy also wrote that the Diocese would "not pay for any counseling beyond December 31, 1998." (*Id.*)

On June 9, 1998, Jane Doe 5 called Msgr. Murphy, "irate" that Fr. Constantine "had lied" about their sexual relationship. (App'x BPC#12, Memo from Msgr. Murphy to the File, dated June 9, 1998.) Jane Doe 5 stated that she had a vile of Fr. Constantine's semen that would prove he had intercourse with her. (*Id.*) She also agreed to meet with a forensic psychologist to prove she was not lying. (*Id.*)

On October 6, 1998, Witness 18, legal counsel for Jane Doe 5, wrote a letter to the diocesan attorney that referenced "proof" of the sexual nature of the relationship between her client and Fr. Constantine, which the two attorneys discussed during a previous meeting. (App'x BPC#13, Letter from Jane Doe 5's attorney to the attorney for the Diocese, October 6, 1998, pp 1–2.) The letter included several specific points in support of the veracity of Jane Doe 5's allegations:

> My client has sperm samples from your client which were left in used condoms in 1997. I have contacted the paternity blood testing laboratory at Sparrow Hospital who can proceed to identify the source of the sample. . . .
>
> Father Constantine apparently liked to frequent nudist colonies in the Saranac and Lowell area, as well as Battle Creek. These establishments require proof of identity, for instance, a driver's license, which is photocopied and kept on file. . . .
>
> [My client] also has items including lingerie received from the "panties of the month club" ordered by Father Constantine. I also believe that if you asked to see Father Constantine's telephone records you would see numerous telephone calls made to my client, nudist colonies, a boudoir photography studio in Detroit, where he had my client pose nude for photographs while he watched. I believe that records from the nudist colonies, the "panty of the month club," and the long distance telephone records will substantiate my client's version of events.
>
> [*Id.* at 2–3.]

The attorney also informed the Diocese that Fr. Constantine's continued denials "was an additional denigration," and that its acceptance of his word and "insisting that my client take a polygraph rather than Father Constantine, and apparently not willing to have Father Constantine under the DNA blood sampling" further "compounded matters." (*Id.* at 3.) The letter noted that, "[i]n short, the victim was being put on trial." (*Id.*)

Thereafter, on November 6, 1998, Jane Doe 5 executed a Full and Final Release for the consideration of $50,000.00, plus $1,680.00 "for psychological counseling through March 30, 1999[.]" (App'x BPC#14, Full and Final Release, dated November 6, 1998; App'x BPC#15, Receipt in the amount of $50,000.00, signed by Attorney Dinkel, November 6, 1998, and Diocese of Lansing check made payable to YWCA – Patti Haste, in the amount of $1,680.00.)

In a letter dated December 29, 1998, Fr. Constantine was directed to "engage in psychological counseling for a period of time to be determined by the counselor you chose from the list provided below." (App'x BPC#16, Letter from Msgr. Michael Murphy to Fr. Bennett Constantine, dated December 29, 1998.) In this letter, Msgr. Murphy noted that Fr. Constantine's relationship with Witness 117 had been "very problematic and inconsistent," that he had "consistently lied and misled diocesan leadership over a period of years," and that the Diocese had a responsibility to exercise some "positive steps to assert its supervision over your ministry." (*Id.*)

On October 20, 1998, Witness 20 met with Msgr. Raica and told him that a woman from Eaton Rapids told her that Fr. Constantine had been "naughty." (App'x BPC#17, Memorandum from SJR to MDM/CFM, apparently Msgr. Raica to Msgr. Murphy and Bishop Mengeling, dated October 20, 1998.) Witness 20 also stated that there were rumors to the effect that Fr. Constantine "had been inappropriately touching his secretaries." (*Id.*) Witness 20 admitted that she did not know whether those claims were true. (*Id.*)

In an email from January 2018, Jane Doe 6 wrote to Bishop Earl Boyea, through the diocesan VAC, and alleged the following occurred between 1981 and 1983 when her sister was in her early 20s:

> Our family belonged to St. Joseph Catholic Church in Howell. Fr. Ben Constantine was there as an assistant or associate pastor to Fr. Rahrig, the pastor. At that time member[s] of our prayer group at St. Joe's also would travel up to Montrose where we attended prayer meetings with people there. During this time, (my best guess is between '81 and '83), everyone in the prayer group at St Joseph's and the people in Montrose thought Fr. Ben was a very holy and humble man. Of course this was before any of the scandals of the erring priests had come out, so that was not on any of our minds.
>
> Perhaps my sister was imprudent in going places alone with a priest, but he was her confessor, much older than her (in his 50's I think), and she never expected he would do anything inappropriate. He invited her to lunch to celebrate their birthdays . . . My sister said our mom asked her at the time, 'Do you think it's a good idea?['] (to go out alone to lunch). My sister replied, "But mom, it's Fr. Ben!"
>
> My sister said nothing to anyone at the time it happened. It was only years later after she attended a conference where they prayed for healing for those who had suffered sexual abuse that she told me and another of our sisters. She did not tell me exactly what happened. She said that Fr. Ben told her that it had been "so long since he had had a woman."
>
> [App'x BPC#18, Email chain dated January 25, 2018–February 28, 2018, and an undated letter attached to Bishop Boyea from Jane Doe 6.]

By letter dated June 3, 2019, received by the Department, Witness 21, on behalf of his client, Jane Doe 7, alleged that Jane Doe 7 was sexually propositioned and sexually abused by Fr. Constantine when he visited New York in 1978. (App'x BPC#19, Tipsheet, dated June 3, 2019.) Fr. Constantine allegedly "kissed her and groped her before she was able to push him away." Fr. Constantine was a Diocese-of-Lansing priest at the time the alleged sexual assault occurred. (*Id.*)

(12) DEACON JAMES E. CORDER
(* ACTIVE MINISTRY *)

Born: February 4, 1964
Ordained: May 20, 2000
Active: Serving as Pastoral Associate at St. Gerard Catholic Church, Lansing

According to his LinkedIn account, Deacon James Corder served as the coordinator of youth ministry at Holy Redeemer Church in Flint from 1988 to 1997, the Director of Youth Ministry for the Diocese from 1997 to 2001, again as the coordinator for youth ministry at Holy Redeemer from 2001 to 2007, and as a pastoral associate at St. Gerard Church in Lansing from 2007 until the present time.[17]

In a 1993 affidavit, John Doe 13 alleged that he was sexually abused by Fr. Timothy Crowley, see entry no. 13 below. (App'x JEC#1, Affidavit of John Doe 13, dated August 23, 1993, p 1.) Those allegations are described in this report in the Fr. Timothy Crowley summary below. See entry no. 13. In the same affidavit, John Doe 13 also alleged attempted sexual misconduct by then-youth minister Jim Corder, when he was 21 years old, who was subsequently ordained a deacon. (*Id.* at 1.) Specifically, John Doe 13 alleged the following:

> On one occasion while I stayed with Crowley in Hillsdale, Crowley was visited by Jim Corder, a youth minister. It was my birthday and both told me they were going to give me a birthday spanking. They then removed my underwear. While Crowley held me down, Corder attempted to have anal intercourse with me. I had a bowel movement and ran from the room.
>
> [*Id.*]

In 1993, Bishop Povish did not believe John Doe 13's allegation of attempted anal sexual intercourse on the part of Corder, the youth minister. (JEC#2, Memo from Msgrs. Michael Murphy and Robert Lunsford to the file of Fr. Timothy Crowley, dated March 4, 2002.) Both Corder and Fr. Crowley denied the allegations against Corder, and the bishop believed Corder and that "the evidence exonerated him of this accusation." (*Id.*) Accordingly, Corder was "not fired" from his position. (*Id.*)

The allegation resurfaced again in 2007, and by affidavit dated January 15, 2007, Deacon Corder again expressly denied John Doe 13's allegations. (JEC#3, Affidavit of James Corder, dated January 15, 2007, pp 1–3.) Corder swore that the event related to John Doe 13's allegation "was not connected with a birthday celebration," and described the evening as follows:

---

[17] See https://www.linkedin.com/in/deacon-james-corder-48782113/ (last accessed December 15, 2024).

7. I remember only one occasion when I saw John Doe 13 in Father Crowley's living quarters at the parish rectory. It was around St. Patrick's Day (March 17, 1986). I believe the date was around St. Patrick's Day because John Doe 13 had a green milkshake from McDonald's, of the sort that, to my understanding, i[s] usually is available only at that time of year.

8. I am told that John Doe 13's birthday falls in November. The above incident that I remember was not connected with a birthday celebration.

9. The event occurred in the evening, perhaps on a Friday or Saturday. I was sitting in Father Crowley's quarters, watching television with him. Father Crowley was sitting on a couch and I was in a chair. John Doe 13 was staying overnight at the rectory, as he sometimes did. On this particular evening, as on another then-recent evening, an apparently faulty thermostat or heating system caused the rectory to be uncomfortably warm. Father Crowley and I were therefore wearing gym shorts and t-shirts.

10. At this event began, John Doe 13 was running around the room in his underwear. At times, he would point his buttocks in my direction, and apparently try to flatulate ("fart") in my face. This was irritating behavior, and I told John Doe 13 so. I did nothing to encourage the behavior. Father Crowley seemed to find this amusing, which I thought odd.

11. As the behavior continued, there came a time when John Doe 13 placed his underwear-clad buttocks against the outside of the upper part of my left arm. He seemed to "fart" again. However, this time, his action left a wet green/brown stain on the sleeve of my t-shirt. I became quite annoyed, rose from my chair, and took a step toward John Doe 13, who tripped to the floor as he ran away. While he was still on the floor, I put my hands on his arm and shoulder for emphasis as I repeated, "John Doe 13, please stop it!" or very similar words.

[*Id.* at 2.]

Corder then denied the allegation in John Doe 13's affidavit, stating that it was "not true," that he did not say he was going to give him a birthday spanking, did not remove John Doe 13's underwear, that he never "attempted to do anything" while he was being held down by Fr. Crowley, and he "never attempted to have anal intercourse with John Doe 13":

15. I did not assault John Doe 13 in connection with any birthday of his, or on the evening recounted in the preceding paragraphs, or on any other occasion. I have never in my life touched John Doe 13 sexually. I have never in my life attempted to touch him sexually. I have never in my life undressed him, or attempted to undress him, or helped undress him, or seen him undressed. The only time I have ever seen him in his underwear is the occasion described above. I have never in my life spanked him, or attempted to spank him, or threatened to spank him, or participated in someone else's spanking of him.

16. The allegation of John Doe 13 quoted [in his affidavit] is not true. I have never told John Doe 13 that I was going to give him a birthday spanking. I have never removed John Doe 13's underwear. I have never attempted to do anything to John Doe 13 while he was being held down by Father Crowley. I have never attempted to have anal intercourse with John Doe 13.

[*Id.* at 3.]

In 2007, Bishop Carl Mengeling determined that there were no "new facts" that would alter his predecessor's 1993 conclusion. (JEC#4, Unsigned Letter from Bishop Carl Mengeling to "To Whom It May Concern," dated April 11, 2007, and Undated Statement of Bishop Mengeling, pp 1–2.) Bishop Mengeling also wrote that Deacon Corder "resigned his ministry position at his parish[,]" and was "free to pursue another opportunity in ministry." (*Id*. at 2.)

Consistent with Bishop Mengeling's April 11, 2007, letter, the Diocese prepared an undated statement that also explained that the Diocese found John Doe 13's allegations regarding Fr. Crowley credible, but not credible with regard to Corder:

> In disclosing the heinous actions of the priest [Fr. Crowley], the victim also stated that a youth minister named James Corder had participated in an act of abuse. Bishop Povish investigated this matter as well. Although he did not memorialize his rationale in writing, Bishop Povish allowed Corder to continue in ministry. From this continuation in ministry, it is plain that Bishop Povish rejected the allegation against Corder. No other conclusion can be drawn from this decision, in light of everything that is known about Bishop Povish's twenty-year record of administration of this Diocese. His simultaneous decision to remove the priest [i.e., Fr. Crowley] from ministry is yet another sign that he would never tolerate such conduct or permit an abuser to remain in ministry.
>
> [App'x JEC#5, Statement of the Diocese of Lansing, undated, p 1.]

The Diocese's statement also noted that the allegations from 1993 were sent "to the prosecutors in 2002." (*Id.*) The statement also reiterated that Corder was "free to pursue another opportunity in ministry[,]" and that "he will disclose this entire matter, including the 1993 statement of the victim, when seeking employment in ministry." (*Id.* at 2.) The diocesan statement further acknowledged that "there has been not one other allegation of inappropriate conduct toward a young person" in Corder's "over twenty years of continuous ministry to young people." (*Id.*)

In October 2019, John Doe 13 testified at a preliminary examination against Fr. Crowley in district court in Ann Arbor related to the criminal charges filed against Fr. Crowley. (App'x JEC#6, Preliminary Examination transcript, *People v. Crowley*, No. 19F5-5651-FY, dated October 1, 2019.) In that testimony, John Doe 13 repeated his allegations against Corder:

> Q. And when [Fr. Crowley] suggested that, um, was it clear, to you, whether or not he wanted you to lick his anal opening? Or he was going to lick your anal opening?
>
> A. He was going to lick mine. But, uh, he said that he – he didn't do that, but he had a friend and a surprise.
>
> Q. I'm sorry. Did you say a friend and a surprise?
>
> A. Correct.
>
> Q. Um, tell me more about that.
>
> A. Um, Jim Corder was allegedly the – the friend that he was speaking of. Jim showed up, um, I believe, it was around one of my birthdays. I can't recall which one.
>
> Q. Do you know, approximately, how old you were?
>
> A. Seventeen, eighteen, maybe.
>
> [Interjected question posed by defense counsel omitted.]
>
> Q. What happened then?
>
> A. Um, they wrestled me to the ground. Um, tore off my underwear. Um, it wasn't aggressive. It was more playful. And – and, um, "Hey, you're gonna get a birthday spanking. You're – you're gonna –," um, "You've been a bad boy." So on and so forth. Uh –
>
> Q. What happened then?

A. Tim was holdin' me down. Jim got behind me. And went in to lick my anus. And every muscle in my body clenched up and I defecated all over his face.

Q. What happened then?

A. I got up and I ran. And hid in the closet.

Q. What happened after you hid in the closet?

A. Tim cleaned Jim up. And, uh, then, uh, came to the closet and told me everything was going to be okay. Um, I was scared. I requested to sleep in a spare bed off the, uh, the main bedroom that night. And, uh, the following morning, uh, they took me to McDonald's and told me everything was gonna be okay.

[*Id.* at 51–52.]

On cross-examination, counsel for Fr. Crowley asked about this same incident involving Corder while he was a youth minister. John Doe 13 was asked about a prior statement he gave regarding this incident, asking him whether that statement included any reference to "defacating in anyone's face," and nothing about a "Shamrock shake" that he had gotten at McDonald's. (*Id.* at 81). John Doe 13 said that there was nothing in the prior statement about these things. (*Id.*) He also asked whether his statement indicated that he "requested analingus," which he denied. (*Id.* at 84.) He was also asked whether he had previously accused Corder of having attempted to insert his penis in his anus, and John Doe 13 denied that he had made that allegation. (*Id.* at 85.) Regarding the Shamrock shake, John Doe 13 confirmed that he said that after this incident happened, he went to McDonald's and consumed a "shamrock shake." (*Id.* at 79.) In his statement to Agent Dwyre of May 7, 2019, John Doe 13 alleged that prior to the incident with Corder, John Doe 13 "had previously drank a green Shamrock shake from McDonald's." (App'x JEC#6-2, Department of AG Report No. 2018-02227975-A, dated May 14, 2019, p 4.) John Doe 13 was questioned about the discrepancy between his birthday in November when he said this event occurred, and the fact that the Shamrock shake at McDonald's was a seasonal drink in March of the year for St. Patrick's Day. (*Id.* at 79, 85–86.) John Doe also agreed that there was no "physical force" used against him for any of his allegations of sexual conduct that occurred after he was 16 years old. (*Id.* at 94–95.)

In August 2023, Fr. Crowley pled guilty to two counts of second-degree, criminal sexual conduct related to allegations of other sexual assaults against John Doe 13.

On May 14, 2019, five months before the preliminary examination, MSP Sgt. Jeffrey Frasier interviewed Deacon Corder. (App'x JEC#7, MSP Original Incident Report No. NIS-0000023-19, dated May 15, 2019, p 3.) Regarding his relationship with Fr.

Crowley, Corder explained that he and Fr. Crowley became "close friends" in the 1980s and that he and his wife "were devastated" when they learned of Fr. Crowley's criminal conduct against minors. (*Id.* at 3.) In response to John Doe 13's allegation against Corder, after reading the 1993 affidavit Corder denied any wrongdoing:

> At this time, [the investigator] let James read the affidavit for himself. When James got to the point where John Doe 13 had a bowel movement, James said, "The kid had kind of a wet fart, but it didn't get on me." As James read paragraph #9 of the Affidavit he questioned when his birthday was. However, he did say, "that's nasty."
>
> At this point, I asked James if he at any point had any type of sexual contact/relationship/inappropriate contact with John Doe 13 or anyone else. James replied, "No." James then said, "It[] pain[s] me that he (John Doe 13) thinks that or thought that." James then said he has spent his entire career to protect kids. I asked James if he remembers seeing any gay porn videos or other porn related material. James said he did not observe any porn inside Crowley's house.
>
> [*Id.* at 4–5.]

When asked if anything happened, Corder stated "nothing happened." (*Id.*)

Corder denied ever having any type of sexual or inappropriate contact with John Doe 13, as he "spent his entire career to protect kids." (*Id.* at 5.) At the end of the May 14, 2019, interview, Sgt. Frasier invited Corder to take a polygraph examination "to confirm his above statements," and asked him to contact Sgt. Frasier "with a decision in the near future." (*Id.* at 5.) There is no indication in the report that Corder followed up; however, as part of the Diocese of Lansing's investigation, Corder did submit a polygraph in which the private examiner opined that Corder was being truthful in his denial of John Doe 13's allegation.

The Department did not pursue any charges against Corder because they were barred by the applicable statute of limitations.

Following John Doe 13's testimony at the October 2019 preliminary examination The Diocese of Lansing retained a private investigator to reconsider John Doe 13's allegation against Deacon Corder. Deacon Corder was placed on administrative leave during the investigation. The results of that investigation, which included Deacon Corder's polygraph results finding that Corder was being truthful in denying the allegation, went to the Diocese's Review Board on February 10, 2020. The Review Board concluded that the investigation did not reveal any new information that would cause them to overturn the decision of Bishop Povish in 1993. Bishop Boyea agreed with this conclusion, and Deacon Corder was returned to active ministry.

(13) FR. TIMOTHY M. CROWLEY
(LISTED ON CREDIBLY-ACCUSED CLERGY LISTS FOR THE DIOCESE OF LANSING AND THE ARCHDIOCESE OF ANCHORAGE AND LISTED ON THE BISHOP ACCOUNTABILITY SITE.)

Born: June 3, 1949
Ordained: June 19, 1976
Incardinated into Diocese of Lansing: June 3, 1982
Placed on administrative leave of absence: June 1993
Removed from ministry: 2002
Laicized: 2015
Convicted of two felony counts of second-degree criminal sexual conduct on August 23, 2023, in Washtenaw County Circuit Court

Fr. Timothy M. Crowley was born in Jackson, Michigan, on June 3, 1949, and was ordained to the priesthood on June 19, 1976, for the Congregation of the Holy Ghost. (App'x TMC#1, Priest Personnel Data sheet.) He was incardinated into the Diocese of Lansing on June 3, 1982. (*Id.*)

In June 1993, Fr. Crowley was put on administrative leave. (*Id.*) This occurred after Fr. Crowley resigned his position as pastor of St. Thomas the Apostle Church, Ann Arbor, "after admitting to sexual misconduct." (App'x TMC#2, Memorandum from Father Steven Moore, Archdiocese of Anchorage, to Monsignor Michael Murphy, Diocese of Lansing, dated March 22, 2002, with undated "Confidential" typewritten statement.)

In August of 1995, Archbishop Francis Hurley of the Archdiocese of Anchorage accepted Fr. Crowley for administrative ministry within that archdiocese.[18] (*Id.*)

[18] On May 19, 2020, Pope Francis created the new Archdiocese of Anchorage-Juneau, combining the Archdiocese of Anchorage and the Diocese of Juneau. (Letter from Archbishop Andrew Bellisario, C.M., p 1.) For purposes of this report, however, the archdiocese will be referred to as the Archdiocese of Anchorage, that being its proper name at all times relevant.

"Archbishop Hurley accepted Father Crowley only after an exhaustive and extensive review process which involved consultation with those who treated him, an in depth assessment by professionals, and consultation and review with the Archdiocesan Board of Consultors and the committee that is charged with investigating issues of sexual misconduct within the Archdiocese." (*Id.*) "Upon completion of that review Archbishop Hurley judged that Father Crowley's presence as a priest in the Archdiocese of Anchorage would put no one at risk and accepted him for ministry," indicating that "Father Crowley's ministry is administrative within the Archdiocesan offices." (*Id.*)

In 1993, John Doe 13 alleged that he was sexually abused by Fr. Crowley. (App'x TMC#3, Affidavit of John Doe 13, dated August 23, 1993, p 1.) John Doe 13 alleged that he was "sexually molested" by Fr. Crowley for a period of about eight years, commencing when John Doe 13 was approximately ten years old. (*Id.)* The alleged sexual abuse "began by a great deal of hugging, touching and similar innocent type of physical behavior" and soon progressed into Fr. Crowley allegedly fondling John Doe 13's penis. (*Id.*) This contact allegedly progressed into Fr. Crowley performing fellatio on John Doe 13. (*Id.*) Fr. Crowley then allegedly showed John Doe 13 homosexual pornographic magazines and films, after which "he started the anal intercourse." (*Id.*) "The oral sex and anal intercourse continued for several years," usually after Fr. Crowley allegedly provided John Doe 13 with alcohol. (*Id.*) John Doe 13 further alleged that Fr. Crowley told him the sexual conduct was "okay" because the latter was a priest. (*Id.* at 2.) In the same 1993 affidavit, John Doe 13 also alleged attempted sexual misconduct by a youth minister named Jim Corder, (*id.* at 1), discussed above. See entry no. 12 above.

In a letter dated June 29, 1995, as a follow up to a previous telephone conversation, Archbishop of Anchorage, Francis Hurley, wrote to Bishop Povish, advising that he wanted to explore bringing Fr. Crowley back "into active ministry." (App'x TMC#5, June 29, 1995, Letter from Archbishop Francis Hurley to Bishop Kenneth Povish, p 1.) Archbishop Hurley wrote the following:

> Dear Ken,
>
> My thanks for your very candid comments about Fr. Tim Crowley.
>
> Enclosed is what I have sent to Fr. Crowley. As I told you on the phone, I want to explore the possibility of bringing him back into active ministry. There are three reasons why I wish to explore this. My first is that I think we bishops have to devise a way to activate priests who have their life and ministry under control. We believe in redemption and reconciliation.
>
> The second reason is that Fr. Crowley has had a clear and good record, according to your comments, for many years. He has followed carefully

and meticulously what he has been asked to do. He has twice declined to pursue laicization. Those are all positive signs.

The third reason is my own need for priests. The question I ask myself is whether I would entertain the idea of accepting him if I did not have this need. Knowing myself, I think I would entertain the possibility though probably not as quickly. Yet, I must say that I have never accepted any priest merely because of the shortage here. I do a lot of inquiring about anyone who applies to come.

As I told you, when I receive the evaluation from Alma, I will have my committee on sexual abuse review it. A lawyer is a member of the committee.

A couple of thoughts come to mind. Do you have such a committee? If so, did it do an evaluation of Fr. Crowley after the accusations were made? Would that be available to me?

Was there any inquiry made of priests who lived with or who know Fr. Crowley well to determine if there were any hint that such a problem existed?

I raise such questions because I think it necessary to establish that I have done a careful and thorough evaluation before moving into a situation that will carry a liability.

My intention is to move expeditiously on this. I think it would be unfair to Fr. Crowley to leave him dangling for too long. I take it from his letter that he is eager to get back into ministry.

As I told him, after I receive the evaluation from Alma I would like to have him come to Anchorage so that we can talk personally. We have lots of visiting priests coming through Alaska during the summer. (I have three in my house now.) He would be seen as just another visitor.

I am not sending Fr. Crowley a copy of this letter but I ask you to give him a copy if you have no objection. I believe each should know what the others are saying.

Finally, I think the old adage applies here: "Caveat emptor." I am not asking all these questions to suggest that you would retain any exposure to liability. The exposure, at least as I understand it, would be mine. Let's pray for the guidance we need.

God bless.

Sincerely in Christ,

+Francis T. Hurley
Archbishop of Anchorage

[*Id.* at 1–2.]

In a letter dated July 24, 1995, Bishop Povish provided Archbishop Hurley "the report to us of two years ago from [a physician]." (App'x TMC#5, Letter from Bishop Kenneth Povish to Archbishop Francis Hurley, dated July 24, 1995.) Bishop Povish also wrote "that, held to strict accountability by people around him who know his history, Tim [Crowley] will be able to render valuable service both administratively and pastorally." (*Id.*) Bishop Povish advised that the "[p]astoral ministry should be limited vis-a-vis family visitation and minors." (*Id.*)

On August 20, 1993, John Doe 13, members of the John Doe 13 family, and John Doe 13's attorneys, signed a General Release Covering All Claims for the sum of $200,000.00. (App'x TMC#6, General Release Covering All Claims, signed and dated on August 20, 1993, pp 1–3.) A check in the amount of $200,000.00 was made payable to John Doe 13 on August 25, 1993. (App'x TMC#7, Diocese of Lansing check No. 070318, dated August 25, 1993.)

On July 15, 2002, Bishop Carl Mengeling, Bishop Povish's successor, withdrew Fr. Crowley's priestly faculties, in accordance with the provisions of the Charter for the Protection of Children and Young People, adopted by the U.S. bishops the previous month. (App'x TMC#8, Letter from Msgr. Michael Murphy to Fr. Steven Moore, Archdiocese of Anchorage, dated May 21, 2003.) Later that same year, Archbishop Roger Schweitz of the Archdiocese of Anchorage "wrote to Bishop Mengeling and proposed limited ministry for Fr. Tim Crowley[,]" after which it was agreed that Fr. Crowley would "retire from active ministry in Lansing." (*Id.*) "No provision was made regarding any other 'priestly' work he might do in another diocese." (*Id.*) After Bishop Mengeling withdrew Fr. Crowley's faculties, he placed Fr. Crowley on an administrative leave of absence, after which Fr. Crowley never ministered again in the Lansing Diocese.[19] (App'x TMC#9, Draft of Graviora Delicta, dated June 1, 2007, pp 2–3.)

Later in 2002, the Diocese of Lansing shared all of its information regarding John Doe 13's allegations "with the prosecutors of the counties in which the acts are

[19] At the time he was placed on administrative leave, Fr. Crowley resigned as pastor of Saint Thomas the Apostle in Ann Arbor and "was sent to Sacred Heart Mercy Health Care Center for psychological counseling" for two years, after which he worked as an assistant to Archbishop Hurley in Anchorage, Alaska, "a position where he had no contact with young people." (App'x TCM #12, Votum of Instructor regarding Fr. Timothy Crowley, dated May of 2015 and unsigned, p 1.)

alleged to have occurred." (*Id.* at 3.) The matter was investigated by MSP in 2003; however, charges were not brought against Fr. Crowley because John Doe 13 did not wish to prosecute at that time. (App'x TMC#10, Washtenaw County Office of the Prosecuting Attorney Denial of Charges, dated August 26, 2003) ("The victim of these assaults, however, adamantly opposes criminal prosecution. The victim's reasons for opposing prosecution are compelling, and these charges are therefore denied.")

On November 10, 2010, Msgr. Murphy spoke to Fr. Crowley, during which time Fr. Crowley talked about moving back to Michigan from Anchorage. (App'x TMC#11, Memo to the file by Msgr. Murphy, dated November 11, 2010.) Msgr. Murphy wrote the following in his memorandum:

> He also talked about returning to Michigan. I advised him not to do so, because the Statute of Limitations have not run on his crime and that he could be arrested and end up tried and even possibly serving prison time. I said before you would make that decision make sure you contact us and our diocesan attorney.
>
> [*Id.*]

In the Summer of 2014, Msgr. George Michalek and others spoke to Fr. Crowley to explore laicization, and he "cooperated fully" in that process. (App'x TCM#12, Votum of Instructor regarding Fr. Timothy Crowley, dated May of 2015 and unsigned, p 1.) Fr. Crowley was laicized the following year.

As part of this investigation, Department Special Agent David Dwyre interviewed John Doe 13 on May 10, 2019, regarding the 1993 allegations against the former Fr. Crowley and Corder. (App'x TMC#13, Department of Attorney General Criminal Division Report, No. 2018-02227975-A, dated May 14, 2019, p 3.) In his report, Special Agent Dwyre summarized John Doe 13's descriptions of the alleged sexual abuse that commenced when John Doe 13 was 10 or 11 years old:

> Timothy Crowley sexually assaulted John Doe 13 multiple times. John Doe 13 described Timothy Crowley as providing him with the above listed tobacco and alcohol and he would wear boxer shorts in the rectories. They would watch gay pornography and Timothy Crowley would masturbate. When John Doe 13 stayed the night with Timothy Crowley, they would sleep in the same bed. He described Timothy Crowley as wearing only boxer shorts and while pretending to sleep and dream he would say sexual comments. Those comments included, "suck me, touch me, jerk me, lick me." Timothy Crowley would grab John Doe 13's hand and have him masturbate him.
>
> Timothy Crowley would also push his head down onto [his] penis and have John Doe 13 perform oral sex on him. Timothy Crowley would

also perform oral sex on John Doe 13. Both Timothy Crowley and John Doe 13 would rub their penises between each other's butt che[e]ks. John Doe 13 said that neither he nor Timothy Crowley would fully penetrate each other's anuses to the point of pain or bleeding. The sexual assaults occurred under the bed covers.

John Doe 13 described a time while Timothy Crowley was performing oral sex on him, he intentionally urinated in his mouth. He said that Timothy Crowley swallowed the urine. He described the sexual contact with Timothy Crowley as smelling like urine and pre-ejaculate, which he claimed smelled like chlorine. John Doe 13 also remembered an argument that Timothy Crowley had with Sister Maria. He cannot remember if it was in Ann Arbor or Hillsdale, but Sister Maria confronted Timothy Crowley as he and John Doe 13 were walking up the stairs. John Doe 13 continued to an upstairs room, and he could hear them arguing, but was unable to hear the exact conversation. He believed Sister Maria was confronting him about his misconduct. After returning to the rectory room, Timothy Crowley told John Doe 13 that if he told Sister Maria or his parents what they were doing, he would kill him.

John Doe 13 was unsure exactly when the sexual assaults stopped. He believed he already had his driver's license when the assaults stopped. He stated that after his freshman year at Jackson Lumen Christi he began making himself unavailable. John Doe 13 stated that the last time he was sexually assaulted was at Timothy Crowley's residence in Michigan Center, MI. He described the home as a white two-story home that smelled musty and was near a party-store that sold heterosexual pornography. He said that he and Timothy Crowley were watching gay pornography and he observed the actors licking each other's anuses. John Doe 13 asked Timothy Crowley if he would ever do that act. At some point, Timothy Crowley [allegedly] called James (Jim) Corder, who was a Youth Minister, and he [allegedly] wanted to lick John Doe 13's anus. John Doe 13 stated that he had previously drank a green Shamrock shake from McDonalds. He said that while they were all three together, James Corder was [allegedly] just about to lick his anus, when he had diarrhea, and feces splashed onto James Corder's face. He stated that James Corder began to yell, and John Doe 13 fled and hid in a closet. John Doe 13 stated that he cannot remember if he and Timothy Crowley had sex that night or if he just held him. Timothy Crowley later took him home.

[*Id.* at 3–4.] [See also entry no. 12 above regarding the allegations against Deacon James Corder while he was a youth minister.]

On May 23, 2019, the Department charged the former Fr. Crowley with four counts of first-degree, criminal sexual conduct and four counts of second-degree, criminal sexual conduct. (App'x TMC#14, Felony Complaint, 15th District Court Case No. 19F5-5651, *People v. Crowley*, filed May 23, 2019, pp 1–4.) Also on May 23, 2019, Detective Adam Cordova and Detective Samantha Meadows of the Tempe Police Department in Tempe, Arizona, arrested and transported former Fr. Crowley to the Tempe Police Department, where he was interviewed by Special Agent Dwyre. (App'x TMC#15, Tempe Police Department General Offense Report, No. TE 2019-60717, p 2; App'x TMC#16, Department of Attorney General Criminal Division Arrest Report, No. 2018-02227975-A, p 2.) The former Fr. Crowley was taken into custody and brought back to Michigan.

On October 1, 2019, at the conclusion of a preliminary examination hearing, the 15th District Court dismissed all eight counts against Crowley, finding them to be barred by the then-applicable, six-year statute of limitations, and the Washtenaw County Circuit Court affirmed. (App'x TCM#17, *People v. Crowley*, unpublished per-curiam opinion of the Court of Appeals, No. 356348, issued June 23, 2022, p 1.)

The Department filed an application for leave to appeal in the Michigan Court of Appeals, seeking reinstatement of Counts 3, 4, 7, and 8, and that court granted leave and subsequently reversed, remanded, and directed the lower court to reinstate Counts 3, 4, 7, and 8. (*Id.*) Counts 3 and 4 were first-degree, criminal sexual conduct, and Counts 7 and 8 were second-degree, criminal sexual conduct. (App'x TMC#14, Felony Complaint, 15th District Court Case No. 19F5-5651, *People v. Crowley*, filed May 23, 2019, pp 1–4.)

On August 23, 2023, pursuant to a plea agreement with the Department, the former Fr. Crowley pled guilty to two counts of second-degree, criminal sexual conduct – Counts 7 and 8 – and the remaining two counts of first-degree, criminal sexual conduct were dismissed. On November 8, 2023, in the Washtenaw County Circuit Court, Crowley was sentenced to one year in jail, five years of probation, and sex-offender registration.

On August 5, 2019, Special Agent Dwyre interviewed John Doe 14, who had previously contacted the Department's tipline. (App'x TMC#18, Department of Attorney General Criminal Division, Report No. 2018-02227975-A, dated August 15, 2019, p 1.) John Doe 14 alleged that, when he was a sixth- or seventh-grade student at St. Francis School in Ann Arbor, the former Fr. Crowley was a "visiting pastor" at the church. (*Id.*) John Doe 14 stated that, on one occasion during a class, the then Fr. Crowley had the students provide him with handwriting samples for him to analyze. (*Id.*) Thereafter, the then Fr. Crowley met with each student, and when it was John Doe 14's turn, the then Fr. Crowley allegedly told him that he could tell John Doe 14 enjoyed masturbating by the way he curled his Gs. (*Id.* at 2.)

On November 14, 2020, Jane Doe 8 emailed the Department's tipline and alleged that her husband had been sexually abused by the former Fr. Crowley when her husband was an altar boy at St. Thomas Church in Ann Arbor in the late 80s and early 90s. (App'x TMC#19, Tip spreadsheet, dated November 24, 2020.) She also stated that her husband had recently been hospitalized for psychiatric treatment and, during that time, had disclosed the alleged sexual abuse. (*Id.*) MSP Sgt. Frasier interviewed Jane Doe 8 on November 30, 2020, during which time she advised that her husband was not up to being interviewed, but he might be at a later date. (*Id.*) Sgt. Frasier again reached out to Jane Doe 8 on February 17, 2023, to ascertain whether John Doe 14B was willing to be interviewed regarding the alleged abuse he suffered from the former Fr. Crowley. (*Id.*) Jane Doe 8 advised that she spoke to John Doe 14B, and he declined to be interviewed. Respecting the wishes of the alleged victim, the Department has not pursed the matter any further.

(14) DEACON JOHN FREDERIC "JACK" DAUNT

Born: April 20, 1934
Ordained: Unknown
Died: September 9, 2017

Deacon John Frederic "Jack" Daunt was born in Flint, Michigan, on April 20, 1934, and died on September 9, 2017. (App'x JFD#1, Obituary of Deacon John Frederic "Jack" Daunt, mlive.com, dated September 9, 2017.) Deacon Daunt served at Holy Family Catholic Church "and was the Founder and Director of the Outreach Program." (*Id*.)

In a memorandum dated May 6, 2003, Msgr. Michael Murphy wrote the following regarding two accusations that were made by Jane Doe 9, an adult female, against Deacon Jack Daunt:

> Yesterday, May 5, 2003 in the evening, Father Roy Horning the Parochial Vicar of Holy Family Church in Grand Blanc called to say that a woman had made an allegation of two contacts of inappropriate sexual contact from Deacon Jack Daunt.
>
> The first incident happened in Deacon Daunt's office. The second incident happened in [an] apartment that the Nazareth House for Assistance through the Outreach Program of Holy Family Church provided. In the first instance, Deacon Daunt is accused of touching the breasts of Jane Doe 9. In the second, he is accused of kissing her twice. Once trying to put his tongue inside her mouth. According to her, she rejected both advances.
>
> Father Roy Horning and the business manager from Holy Family Church, Mr. Dave Delude, went and investigated these accusations with Jane Doe 9.
>
> They found these accusations to be unsubstantiated. However, they asked her if she had made a report to the Grand Blanc Police, which she had not. They indicated that she should either go to the Grand Blanc Police or the County Prosecutor and report these incidents. She did not want to do that. Then they indicated that they would go to the County prosecutor and they will talk with Mr. Randy ???[20]

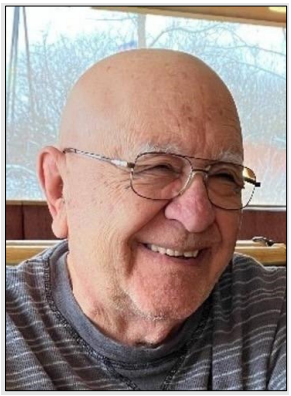
[20] Given that Grand Blanc is in Genesee County, this reference may relate to Randall Petrides, who was the Chief Assistant Prosecuting Attorney in Genesee County at the time.

At this time we are not asking Deacon Daunt to take an administrative leave from his duties at Holy Family Church because the accusations are unsubstantiated. The primary reason that they are unsubstantiated is that Deacon Jack Daunt has directed the Nazareth House not to provide any more subsidy to this family, who consist of a man and woman not married, and two children by Jane Doe 9. They had provided housing, gas, food, rent, etc., etc. Jack Daunt has determined that they should no longer be helped by Nazareth House and it appears that this woman is making this accusation in a retaliatory manner to somehow or other get even with Deacon Daunt.

I spoke today with Father Roy Horning and both, he and Father James Swiat the pastor, are going to work with the County Prosecutor asking them to investigate. I told them to continue to provide written resumes of all that happens in this matter. At this time I reiterate, we have not asked Deacon Daunt to step aside because the accusations appear to be questionable, at best. If more information is garnered and it improves the strength of the case then addition[al] actions will be required.

[App'x JFD#2, Memo to File from Msgr. Michael Murphy, dated May 6, 2003.) (Question marks appear in original.)]

(15) FR. VINCENT ANTHONY DELORENZO
(ON DIOCESE OF LANSING CREDIBLY-ACCUSED CLERGY LIST AND BISHOP ACCOUNTABILITY SITE.)



Born: March 5, 1939
Ordained: June 5, 1965
Removed from Ministry: January 23, 2002
Died: January 26, 2024
Laicized: Pending at Time of Death

Fr. Vincent Anthony DeLorenzo was born in Flint, Michigan, on March 5, 1939, and was ordained to the priesthood on June 5, 1965, at St. Mary Cathedral in Lansing, Michigan. (App'x VAD#1, Priest Personnel Data Sheet.) Fr. DeLorenzo was removed from ministry on January 23, 2002. Fr. DeLorenzo died on January 26, 2024, midway through a one-year jail sentence he was serving in Genesee County, Michigan.[21] At the time of his death, a petition for laicization was pending.

On January 22, 2002, John Doe 15 telephoned Deacon James Corder, see entry no. 12, and alleged that "he was sexually abused by Father DeLorenzo when he was a child." (App'x VAD#2, Memo by Deacon James Corder, dated January 22, 2002.) John Doe 15 alleged that the sexual abuse took place at the St. Robert Parish rectory in Flushing, Michigan, where John Doe 15 had stayed overnight. (*Id.*) John Doe 15 alleged that Fr. DeLorenzo would awaken him and "have him lay on top of him and father would touch him." (*Id.*) The alleged touching started with a back rub and led to fondling. (*Id.*) John Doe 15 also alleged that Fr. DeLorenzo "fondled" John Doe 15 during a movie and in a car. (*Id.*) John Doe 15 stated that he had confronted Fr. DeLorenzo a few days earlier about the alleged sexual abuse and also disclosed it to his parents, who became very angry about it. (*Id.*) Later that evening, after the telephone call, Deacon Corder called Fr. Tom Firestone, advising him of the allegation and requesting his assistance. (*Id.*) Ultimately, it was decided that Deacon Corder would confront Fr. DeLorenzo about the accusation, which he

[21] https://www.mlive.com/news/flint/2024/01/former-flint-area-priest-convicted-of-sex-crimes-dies.html (last accessed December 15, 2024).

did that same night, during which they agreed to meet following morning and "call the Chancery together." (*Id.*)

The following day, January 23, 2002, after Fr. DeLorenzo called the Chancery and notified Bishop Carl Mengeling about the allegation, Fr. DeLorenzo and Fr. Firestone met with the bishop and Msgrs. Michael Murphy and Robert Lunsford. (App'x VAD#3, Unsigned typed memorandum, undated.) During the meeting, Fr. DeLorenzo "admitted guilt and spoke of three or four occasions of fondling John Doe 15 or having him (John Doe 15) lay on top of him." (*Id.*) It was determined that the sexual abuse occurred in the summer of 1983, after John Doe 15 completed the eighth grade, (*id.*), which would mean he was 13 or 14 years old. Fr. DeLorenzo resigned his pastorate at Holy Redeemer (where he was stationed subsequent to St. Robert Parish), and his resignation was accepted by the bishop. (*Id.*) "Fr. D. was sent to the house of Alma Redemptoris Mater pending acceptance into Sacred Heart Mercy Center for treatment which he entered early Feb. 2002." (*Id.*)

On the same day, January 23, 2002, Bishop Mengeling placed Fr. DeLorenzo on administrative leave and withdrew Fr. DeLorenzo's priestly faculties. (App'x VAD#4, Unsigned Penal Precept Draft, undated; see also App'x VAD#1, Priest Personnel Data Sheet; and App'x VAD #5, Letter from Bishop Carl Mengeling to Fr. Vincent DeLorenzo, dated January 23, 2002.) A notice was published in the Holy Redeemer Catholic Church bulletin the following weekend that read in part pertinent:

> To my beloved parishioners,
>
> I recently met with Bishop Mengeling. With his blessing, I have resigned as your pastor. I do so with much regret, but, due to health and personal issues, it is necessary at this time for me to have some peace and quiet. Some of you know that I have been burning the midnight oil taking care of my mother. Her health has not improved and now I find my own health and well-being at stake. If you would like to write to me, please do so in care of the rectory office. Please don't call or stop in. My mother and I deeply appreciate your respect for our privacy.
>
> [App'x VAD#6, Fax coversheet from Fr. Tim Nelson to Bishop Carl Mengeling, including notice from "Father De to Beloved Parishioners," dated January 23, 2002.]

While Fr. DeLorenzo was at the treatment facility, Fr. DeLorenzo wrote the following letter to Bishop Mengeling:

> I am writing to you today grieving and ashamed. When I arrived here for treatment I was presented with the opportunity to deny that I had ever been involved in sexual impropriety during my priestly life. I

could not swear to that – because I've lived with the memory of an improper action many years ago.

I have confessed that sin and threw myself on God's mercy 18+ years ago. I learned that where my sins abounded – grace abounds still more. Relying on his grace – I never fell into that sin again.

I feel compelled to ask you and all the members of God's family for mercy and forgiveness. I was too embarrassed to ask you before – I felt so unworthy that I asked you to accept my resignation from H. R. parish and realize that you will never be able to reassign me to parish work.

I have not contemplated leaving the priesthood because a wounded priest can still pray for all the wounded troubled people who need prayer. I am deeply involved in the lives of my family in the Flint area with family and friends but I promise to shun publicity and refuse further comment.

Please know how much I love the Church. I ask all God's people Catholics – Protestants – Jews – Muslims to pray for me and the Catholic Church during this time. God's judgments are uncertain and hidden. They are not rashly presumed upon, but I believe nothing more certain about mercy and forgiveness that in God's sight no man alive shall be justified except insofar as he judges himself to be a sinner. Please be merciful to me a sinner.

[App'x VAD#7, Letter from Father Vincent DeLorenzo to Bishop Mengeling, undated.]

According to a memorandum dated March 26, 2002, John Doe 15 called Deacon Corder again, this time complaining that the bishop and diocesan leadership failed in the way they handled the Fr. DeLorenzo matter. (App'x VAD#8, Memorandum to File "Re: John Doe 15/Fr. Vincent DeLorenzo," dated March 26, 2002.) It further stated that John Doe 15 "made a police report on the abuse of Fr. DeLorenzo." (*Id.*) The Memo further provided that John Doe 15 alleged that the sexual abuse commenced "at the time of his 1st Holy Communion and continued for quite some time." (*Id.*) John Doe 15 also told Deacon Corder that John Doe 15 talked to the county prosecuting attorney. (*Id.*) John Doe 15 further alleged that "Vince DeLorenzo abused his nephew because of the nephew's problems as an adult." (*Id.*) It is not clear whether the nephew to whom the allegation referred was the nephew of John Doe 15 or the nephew of Fr. DeLorenzo.

In a March 27, 2002, Memo from the Curia to Fr. DeLorenzo, the following was written:

> 1. The Diocese of Lansing has received notice that John Doe 15 intends to sue you and us. Therefore, you need to get an attorney to represent your interests. Your attorney will need to be in close contact with our Diocesan Attorney []. [His] phone number is [].
>
> 2. The Diocese of Lansing would like you to sign a release so your personnel file can be released to John Doe 15's attorney without subpoena.
>
> 3. You need to be aware we have defenses you do not have in fending off John Doe 15's lawsuit. The Statute of Limitations will in all likelihood eliminate any prosecution. It may also limit your civil liability as well. However, the prosecutor may very well subpoena your personnel file to determine if we have any other accusations against you.
>
> 4. You will have financial liability in the lawsuit that John Doe 15 is intending to file.
>
> 5. Are there any other incidents when you had sexual contact with any minor?
>
> 6. It seems to us that John Doe 15 is determined to punish you.
>
> 7. We are asking that you remain on the Alma Campus until you are discharged from [a physician's] care. Therefore, you will not be going to Miami for vacation in May.
>
> -Stay out of Genesee County.
>
> 8. We are unable to give you another assignment for priestly ministry in the Diocese of Lansing
>
> [App'x VAD#9, Memo, from the Curia to Fr. Vincent DeLorenzo, dated March 27, 2002.]

On May 31, 2002, after Fr. DeLorenzo was discharged from Sacred Heart Mercy Health Care Center, Bishop Mengeling wrote to Fr. DeLorenzo and directed the following:

> 1. You may reside in Fenton, Michigan.
>
> 2. You may say a private mass in your home or say mass for the brothers at Alma Redemptoris Mater house in Fenton.

3. You may occasionally invite your brothers and their children to your mass, but no one else may participate. The same conditions apply to ARM house in Fenton.

4. You may not wear clerical garb.

5. You are asked to stay away from parish and diocesan events, social, liturgical or educational.

6. You are welcome to associate with your priest support group and your priest friends. However, you may not attend priests' gatherings such as funerals, convocations, retreats, days of prayer, or educational days, etc.

7. You are invited to apply at Liturgical Commission Publishing to work on writing homilies or other liturgical materials. See Msgr. Murphy about this matter.

8. In general we ask you to maintain a low profile, especially in the Genesee County area and to refrain from visiting parishes and diocesan institutions.

[App'x VAD#10, Letter from Bishop Mengeling to Fr. DeLorenzo, dated May 31, 2002.]

In a letter dated June 5, 2002, Bishop Mengeling modified the above-quoted restrictions to exclude permission for Fr. DeLorenzo to invite his brothers and their children to Masses. (App'x VAD#11, Letter from Bishop Carl Mengeling to Fr. Vincent DeLorenzo, dated June 5, 2002, p 1.)

By letter dated December 18, 2002, Bishop Mengeling clarified the restrictions placed on Fr. DeLorenzo:

> During our June 4th meeting in Alma, I modified the directives in my May 31st letter for the celebration of Mass. These modifications are contained in my June 5th letter which states, "You may say Mass privately in your home, or, upon invitation, for the brothers of Alma Redemptoris Mater at SCALA. No others may be invited to these Masses." On December 3rd I gave you permission to celebrate Mass privately in your home on the anniversary of your mother's death with your brothers and sister-in-law present. This is not to be made public.
>
> [App'x VAD#12, Letter from Bishop Carl Mengeling to Fr. Vincent DeLorenzo, dated December 18, 2002.]

On November 12, 2003, Msgr. Lunsford met with John Doe 16, who alleged that Fr. DeLorenzo sexually abused him when John Doe 16 was five years old. (App'x VAD#13, Memo to File, from Msgr. Robert Lunsford, dated November 12, 2003.) Accompanied by his mother and uncle at the meeting, John Doe 16 stated that he had just recalled the memory a week prior, triggered by a coworker's disclosure of sexual abuse. (*Id.*) Msgr. Lunsford made arrangements for the parents of John Doe 16 to meet with the Diocesan Review Board the following week. (*Id.* at 2.) The parents of John Doe 16 advised Msgr. Lunsford that they were considering reporting the matter to the Family Independence Agency, so Msgr. Lunsford provided them with the telephone number of the FIA with which to do so. (*Id.*) Msgr. Lunsford also advised "that the diocese would assist with counseling and apologized on behalf of the diocese and good priests." (*Id.*)

In a November 17, 2003, typewritten statement prepared for and submitted by his uncle to Msgr. Lunsford for the Review Board meeting, John Doe 16 wrote that the sexual abuse occurred in the summer of 1987, after John Doe 16's great-grandmother's funeral, during which time Fr. DeLorenzo asked his grandparents to speak to John Doe 16 alone regarding the death of John Doe 16's great-grandmother. (App'x VAD#14, Fax coversheet and three-page statement of John Doe 16, dated November 17, 2003, p 1.) John Doe 16 described what allegedly took place during that time alone with Fr. DeLorenzo:

> The way I remember Father DeLorenzo is that he had balding dark hair (with some gray), heavyset person, wearing a priest collar. I remembered him as the priest who baptized me (in [ ]1985). DeLorenzo asked my grandma to speak to me in private. We went into Grandpa['s] apartment, where no one was home at the time. DeLorenzo closed the door as she left to go back into the other side of the house (where Witnesses 27 lived). He said to me, "[y]our grandma said that you were playing with yourself. I said I didn't know.["] Then he said, "show me how you do it." I started playing with myself. Then he told me that I wasn't doing it right. "You stupid kid, you're not doing it right." Then he pulled out some surgical gloves and put them on. He started touching me. When he started touching me, I told him to stop, but he kept doing it. He told me, "[y]ou do it like this." He went through the jacking off motion. So then I tried the way he told me to do so. He then unzipped his pants and pulled out his penis, exposing himself and jacking off. He continued this for a while and then stopped after ejaculating. He told me to wait there and he went into the bathroom briefly to clean up. He brought me over to the living room where he told me to lie down. He told me to pull my pant[s] down. Then he inserted his finger into my butt hole going in and out. I say "hey, what are you doing!" and I pulled away and I said "stop." At that time I started yelling and crying. He said, "[d]on't be a baby, don't cry! Don't tell any grown-ups, they won't understand. They

> won't believe you! Your uncle will be fired and will not be able to get into the priesthood. Keep practicing." He told me to dry up my tears. He then said a prayer. Then we went back out of the apartment. My grandma asked how it went when we came out. I didn't say anything. DeLorenzo said, "It went well. John Doe 16's a good kid."
>
> [*Id.* at 2–3.]

On November 12, 2003, Msgr. Lunsford spoke to John Doe 16's mother to advise that the chairperson of the Diocesan Review Board would be calling to invite Witnesses 27 to attend the Review Board's November 17, 2003, meeting. (App'x VAD#15, Memo to File from Msgr. Robert Lunsford, dated November 12, 2003.) Msgr. Lunsford also advised Witnesses 27 to report John Doe 16's allegations to the Genesee County prosecuting attorney, and Witnesses 27 stated that they already reported the matter to the FIA and to the "Flushing Township Police." (*Id.*)

On November 17, 2003, the Diocesan Review Board met to consider the allegations brought by the parents of John Doe 16. (App'x VAD #16, Report of the Lansing Diocesan Review Board, In Re the Matter of Vincent DeLorenzo, dated January 5, 2004.) In its report, the Review Board wrote that when Fr. DeLorenzo was questioned by diocesan officials, he denied the allegations and wanted to take a polygraph examination. (*Id.*) The report further stated that, "[u]ltimately, John Doe 16 decided not to attend the meeting of the Review Board, and sent a faxed letter hand written by his uncle instead." (*Id.*) It is unclear to what statement the Review Board was referring, because John Doe 16's uncle had previously faxed a three-page typewritten statement signed by John Doe 16, (App'x VAD#14, three-page statement of John Doe 16, dated November 17, 2003), and Msgr. Lunsford acknowledged receipt of the statement and wrote that the materials would be provided to the Review Board. (App'x VAD#15, Memo to File, dated November 12, 2003, p 2.)

In its January 5, 2004, report, the following was the Determination and Recommendation of the Diocesan Review Board:

> After a great deal of discussion, the Review Board reached the conclusion that since Diocesan Policy and the Essential Norms, especially Norm 6 and 8 have already been applied in Fr. DeLorenzo's case, the Review Board's options are fairly limited. Irregardless [sic.] of whether the allegations set forth in this matter are true or not (and the Review Board has no ability to make such a determination in this matter), the recommendation of the Review Board is that the Diocese do everything in its power to afford both parties to this matter the opportunity to undergo counseling. Further action of the board shall be held in abeyance pending any further information being presented to this board.
>
> [App'x VAD #16, Report of the Lansing Diocesan Review Board, dated January 5, 2004.]

On January 20, 2004, legal counsel for the Diocese wrote to John Doe 16 and advised that "your allegation regarding an assault by Vincent DeLorenzo, formerly a priest of this diocese, is unsubstantiated." (App'x VAD#17, Letter of Legal Counsel, to John Doe 16, dated January 20, 2004.) He further wrote that the Review Board and the Diocese would consider any additional information John Doe 16 could provide regarding the matter. (*Id.*)

In a letter dated February 17, 2004, to Bishop Mengeling, Fr. DeLorenzo wrote that it all sounded "insane to [him]" and that he did not recall any of the events that John Doe 16 alleged, except that he did go to the John Doe 16 home after the funeral of John Doe 16 great-grandmother "along with a sizeable group of mourners." (App'x VAD#18, Letter from Fr. Vincent DeLorenzo to Bishop Mengeling, dated February 17, 2004, p 2.) He also wrote that he did not recall a five-year-old child or meeting alone with a five-year-old child; however, he wrote that if the child's grandmother stated that he met with the child alone, he would not challenge her. (*Id.*) Fr. DeLorenzo wrote that he was questioned by a police officer from Flushing Township, and, after the meeting, Fr. DeLorenzo called his lawyer and asked the lawyer to set up a polygraph examination. (*Id.*) Fr. DeLorenzo wrote that he took the polygraph -- in response to questions about whether he had placed his finger in John Doe 16's anus and had masturbated in front of him -- which was administered by H. John Wojnaroski, on January 13, 2004; and his lawyer told him that "he did well with the polygraph." (*Id.*) Fr. DeLorenzo described the allegations as "alarming" and wrote that, if he were "threatened any further by these people, I will fight back. I will reveal the polygraph test and challenge the accuser to take one." (*Id.* at 3.) No polygraph examination result or reference to such a result was found in the Fr. Vincent DeLorenzo file.

A February 20, 2004, news story reported that the Genesee County Prosecuting Attorney's Office decided not to bring charges against Fr. DeLorenzo, regarding John Doe 16's allegations. (App'x VAD#19, "Priest won't face charges," *Flint Journal*, dated February 20, 2004, republished in MLive, p 1.) According to the article, the reason for the decision not to prosecute was because Prosecutor Arthur Busch did not believe there was enough evidence to prove the matter beyond a reasonable doubt, i.e., "there were some rather unusual circumstances where corroboration is really critical to proving the case beyond a reasonable doubt." (*Id.* at 1–2.) Prosecutor Busch also restated that his reason for not prosecuting Fr. DeLorenzo in 2002, as a result of John Doe 15's allegations, was because he was time-barred by the statute of limitations. (*Id.* at 2.)

On July 18, 2007, City of Flint Police Department Sgt. Ken Engel contacted Msgr. Raica and advised that an approximate 38-year-old man alleged that Fr. DeLorenzo sexually abused him in the Spring of 1978, when the man was about eight years old. (App'x VAD#20, Confidential Memorandum from Msgr. Steven Raica to File, dated July 18, 2007, p 1.) The man's name was not disclosed to Msgr. Raica. (*Id.* at 2.) The alleged victim told Sgt. Engel that, after having "a run-in with Sr. Clare" at St.

Pius School, another nun, Sr. Marie, took the alleged victim to Fr. DeLorenzo, who allegedly "asked the boy to drop his pants and lean over the desk[,]" and then shoved a rag into the alleged victim's mouth, after which the priest "forced his penis in his anus and then ejaculated on him and told the boy to clean himself off and go back to school." (*Id.* at 1.) The alleged victim claimed that this occurred five or six additional times during the Spring of 1978. (*Id.*) The alleged victim also claimed that he reported the sexual abuse to then Fr. Raica, and the abuse stopped. (*Id.*) In his memorandum, Msgr. Raica wrote the following about his observations:

> I arrived at St. Pius in late January 1979 and would not have been familiar with events that happened there in 1978. During my tenure at St. Pius, I do not recall any person lodging a complaint regarding sexual impropriety about Father DeLorenzo.
>
> [*Id.* at 2.]

In a letter dated August 30, 2007, to Archbishop John Favalora (the Archbishop of Miami), Bishop Mengeling informed him that Fr. DeLorenzo would be residing in the Archdiocese of Miami part of the year and was not to function or present himself as a priest because he was a retired priest who resigned after an allegation of sexual abuse. (App'x VAD#21, Letter from Bishop Carl Mengeling to Archbishop John Favalora, Archdiocese of Miami, dated August 30, 2007.) In a reply letter dated September 17, 2007, Archbishop Favalora acknowledged Bishop Mengeling's letter and wrote that, "[w]ithout indicating the reasons why, I will notify the priests of the Archdiocese of Miami that Father DeLorenzo does not enjoy faculties here and, therefore, is not to function publicly as a priest." (App'x VAD#22, Letter from Archbishop Favalora to Bishop Mengeling, dated September 17, 2007.) By letter dated June 23, 2008, Bishop Earl Boyea, Bishop Mengeling's successor, wrote to Archbishop Favalora and advised that Fr. DeLorenzo was to become a full-time resident within the archdiocese and reiterated that Fr. DeLorenzo was without priestly faculties. (App'x VAD#23, Letter of Bishop Earl Boyea to Archbishop Favalora, dated June 23, 2008.)

On September 15, 2008, the parents of John Doe 16 wrote to Msgr. Murphy, advising that John Doe 16 suffered from alcohol and drug abuse and P.T.S.D., which they attributed to the alleged sexual abuse by Fr. DeLorenzo. (App'x VAD #24, Letter from Witnesses 29 to Msgr. Michael Murphy, Moderator of the Curia, dated September 15, 2008.) Witnesses 27 wrote that John Doe 16 was at Brighton Hospital in a 30-day residential treatment program and asked the Diocese to "provide financial support for John Doe 16's treatment and recovery, due to PTSD." (*Id.*)

On September 22, 2008, the Witnesses 27 met with Msgr. Murphy, during which time the latter informed the former that the Diocese would "fund John Doe 16's treatment at Brighton Hospital and aftercare." (App'x VAD #25, Email from Witnesses 29 to Monsignor Michael Murphy, dated September 25, 2008; App'x VAD

#26, Memo from Msgr. Murphy to the diocesan financial officer, dated September 25, 2008.) In a September 25, 2008, memorandum, Msgr. Murphy wrote that John Doe 16 and his mother met with the Lansing Diocesan Review Board:

> John Doe 16 and his mother met with the Lansing Diocesan Review Board and were found credible. It was the Review Board's recommendation that the diocese pay for his counseling.
>
> [*Id.*]

In the same memorandum, Msgr. Murphy also noted that John Doe 16 met with the Flushing Police Department to report the incident, but "they would not prosecute because of the statute of limitations." (*Id.*) The balance of the costs for John Doe 16's hospital stay was $8,150.00, and Msgr. Murphy wrote that the Diocese needed to reimburse them for that expense. (*Id.*)

By email dated October 9, 2009, John Doe 17 wrote to Fr. Robert Copeland and alleged that Fr. DeLorenzo raped and molested John Doe 17 when he was a student at St. Pius School. (App'x VAD#27, Email from John Doe 17 to Fr. Copeland, dated October 9, 2009, p 1.) John Doe 17 also alleged that he was raped and/or molested by two male nurses at McLaren Hospital and by a neighbor. (*Id.* at 2.) When he was 12 years old, John Doe 17's father allegedly told him that, if he ever spoke of the abuse again, he would never see his family again, and would "be adopted out," because it was too embarrassing for his father to handle. (*Id.*) Fr. Copeland forwarded John Doe 17's email to diocesan officials, who reported the matter to the Genesee County Prosecutor. (*Id.* at 1.)

On November 24, 2009, John Doe 17 met with Msgrs. Murphy and Raica at the St. Pius X Rectory in Flint, Michigan. (App'x VAD#28, Confidential Notes of meeting with John Doe 17, dated November 24, 2009, p 1.) John Doe 17 provided an 11-page notarized statement and read the same aloud during the meeting. (*Id.*) John Doe 17 alleged that he was sexually abused by Fr. DeLorenzo when John Doe 17 was a student at St. Pius X. School in Flint in or around 1975. (*Id.*) John Doe 17 stated that he could not remember exactly when the sexual abuse occurred, but he believed that he only attended the school for a year or less, and the sexual abuse allegedly occurred during that time. (*Id.*) He stated that he thought he commenced attending St. Pius X. School in the first grade. (*Id.* at 2.) He stated that he thought he was about six or seven years old when the alleged sexual abuse took place. (*Id.*) Msgr. Murphy told John Doe 17 that the sexual abuse was wrong and never should have happened and "expressed sorrow that the abuse happened to John Doe 17." (*Id.* at 3.) John Doe 17 stated that he wanted Fr. DeLorenzo's name to be on the sex-offender list. (*Id.*) John Doe 17 wanted to contact Fr. DeLorenzo "to give some closure to this and get on with his life." (*Id.*) Msgr. Raica advised that the Diocesan Review Board would review the allegations and advise the bishop. (*Id.*) Attached to the confidential notes of the meeting was a spreadsheet showing what priests

served at St. Pius X. Parish, and Fr. DeLorenzo served as pastor of that parish from June 23, 1976, to June 29, 1983. (*Id.* at 4.)

On January 6, 2010, John Doe 17 met with the Diocesan Review Board. (App'x VAD#29, Notes from meeting with Diocesan Review Board meeting, dated the January 6, 2010, p 1.) During the meeting, John Doe 17 provided a written statement, a portion of which was quoted in the meeting notes by Diocesan Review Board Chair Mark Smith, "containing the essential substantive information" regarding the alleged sexual abuse, as follows:

> Over a 6 to 8 month period of time while attending St. Pius X Catholic School. Every Friday while entering church for our weekly studies/scripture reading. Also when leaving the Sanctuary to go back to school & sometimes in our classroom when Fr. Vincent DeLorenzo came over to tell a story &/or teach doctrine to us children.
>
> While me & my classmates were entering the church for our study time with Fr. D. He would greet me & some of the other boy's (a boy named Witness 30 & Witness 31) but ALWAYS ME! He would pull me aside, with usually one other boy, & take me/us into the changing room for the priest's &/or into the cry room which no longer exists. He would then have me (feel) his long, dark brown robe telling me that if I were to be a (good) boy I should get acquainted with the (feel) of the material of what a priest wore. He would then guide either one of my hands to his front genital area, along with having me feel his rope he wore around his waist, along with guiding my hand & sometimes both hand's on his buttocks.
>
> Fr. D would have me at times, sit on his lap, while lecturing in the sanctuary to my class as we gathered around him while he either sat in a chair, or sometimes, he would gather us all in a ½ circle near the front of the sanctuary in front of the alt[a]r. Fr. D would have me sit on his lap while he & I faced my other classmates. He would have me switch to his other leg, whenever his private area got aroused, while forcing my butt to brush against his penis. Again, this happened at least once a week, and more often than not 2–3 time[s] a week for over 6 to 8 month[s] period of time.
>
> When I found the courage to (out) Fr. D in the sanctuary of St. Pius X Church in front of all my classmates, as well as in front of 2 nuns, while we were single file heading out of the sanctuary. I got one of my frequent nose bleeds & headaches, & after yelling at him about his pedophile acts against us children I was sent home. I was then accused by my Dad & Fr. D of being (literally) possessed by a demon forever accusing a Catholic Priest of molesting me & other little boys.

> As a result of my father & Fr. D's (false) accusations of me being demon possessed for accusing Fr. D of being a pedophile, both my dad's parents, grandma & grandpa John Doe 17, a priest & others placed me through a full Catholic Ritual Exorcism. This exorcism took place over at my grandparent's house.
>
> [*Id.* at 1–2 (parenthetical comments in original).]

John Doe 17 told Review Board members during that same meeting that he believed the diocese should provide him with monetary compensation "to help him recover the life that he lost over the years." (*Id.* at 3.) "The implication was the amount should be substantial." (*Id.*) The Review Board "feels at this point that there is no further action warranted by the committee and does not recommend monetary compensation." (*Id.*) However, the Review Board believed that financial assistance for counseling would be appropriate. (*Id.*) John Doe 17 "soundly rejected any counseling[.]" (*Id.*)

On February 4, 2010, Msgr. Raica informed Fr. DeLorenzo of John Doe 17's allegation. (App'x VAD#30, Memo to File from Msgr. Raica, dated February 4, 2010.) Fr. DeLorenzo denied the allegation and stated that he was not stationed at St. Pius X. Parish during the time the sexual abuse was alleged to have occurred. (*Id.*)

By letter dated April 13, 2010, Msgr. Murphy advised John Doe 17 that, after consulting with the Review Board, the diocese decided that the allegation "remains unsubstantiated." (App'x VAD#31, Letter from Msgr. Michael Murphy, Moderator of the Curia, to John Doe 17, dated April 13, 2010.) Msgr. Murphy further wrote that monetary compensation would not be provided to John Doe 17. (*Id.*) Msgr. Murphy also wrote that, if any new information was brought to light, the Diocese would be willing to consider it. (*Id.*)

In an unsigned letter to Fr. DeLorenzo, dated August 2010, the author wrote that the John Doe 17 allegation was determined to be "not substantiated." (App'x VAD#32, Letter to Vincent DeLorenzo, dated August 2010.) The author further wrote that "Bishop Boyea also believes that because you were not present at St. Pius when the alleged incidents were [said] to have occurred, it is believed that the alleged incident did not occur" and that "[o]ther statements of John Doe 17 could not be corroborated." (*Id.*) The author also wrote that "John Doe 17 has gone ahead and published his writings on the internet and has posted his views on Channel 12's Facebook page." (*Id.*)

In July 2016, Bishop Boyea submitted a petition to the Congregation for the Doctrine of the Faith to dismiss Fr. DeLorenzo from the clerical state, and, thus, be laicized. (App'x VAD#33, Letter from Bishop Earl Boyea to Cardinal Gerhard Ludwig Muller, Prefect, Congregation for the Doctrine of the Faith and "A Petition for a Dismissal from the Clerical State for Vincent Anthony DeLorenzo, a resigned

priest of the Diocese of Lansing, Prepared by the Diocese of Lansing," dated July 6, 2016, with 110-page attachment.) In his *Votum*, Bishop Boyea wrote the following:

> DeLorenzo was highly regarded as a priest until 2002 when reports began to surface alleging that he had sexually abused several boys. On January 23, 2002, then Bishop Mengeling received a call from Fr. DeLorenzo notifying him of the fact that there had been a complaint from John Doe 15 alleging that Fr. DeLorenzo had sexually abused him while DeLorenzo was at St. Robert's. In the summer of 1983, John Doe 15 had graduated from grade school and was preparing to attend high school in the fall. DeLorenzo served at St. Robert's as pastor from June 29, 1983 until June 29, 1988 when he moved to Holy Redeemer in Burton, MI. He remained in Burton until his resignation from the ministry on January 23, 2002.
>
> DeLorenzo met with Bishop Mengeling, and Msgrs. Murphy & Lunsford on January 23, 2002 and admitted guilt. He spoke of three or four occasions of fondling John Doe 15 or having John Doe 15 lay on top of him. DeLorenzo was sent to the house of Alma Redemptoris Mater pending acceptance into Sacred Heart Mercy Center for treatment which he entered in early February 2002. On May 31, 2002, Bishop Mengeling notified DeLorenzo that his faculties were restricted (see attached). On December 18, 2002, the restrictions were modified to allow him to celebrate Mass privately in his home on the anniversary of his mother's death with his brothers and sister-in-law present.
>
> John Doe 15 received financial support to cover the cost of individual psychotherapy in 2014.
>
> In November, 2003, the Diocese learned of allegations of sexual misconduct against John Doe 16 who claimed he was molested by DeLorenzo when he was five years old. The incident allegedly took place in the summer of 1987 at the victim's grandparents' home. The allegations in [sic.] included anal penetration. John Doe 16 (age 21 at the time he came forward) had repressed the memories of the incident and had no recollection of them until late 2003. The matter was submitted to the Lansing Diocesan Review Board on November 12, 2003. John Doe 16 failed to attend the Review Board meeting and DeLorenzo denied the allegations. The Review Board concluded that the allegations could not be substantiated, but recommended that the Diocese should do everything in its power to afford both parties the opportunity to undergo counseling. The Diocese paid for treatment for substance abuse and Post Traumatic Stress Disorder for John Doe 16 at a facility in Brighton, MI.

> The Genesee County Prosecutor's office reviewed the John Doe 16 case, but declined to prosecute because they "would not be able to prove a crime, given the age and nature of the claim."
>
> In 2007 an unnamed victim reported five or six accounts of anal sex that allegedly occurred in 1987 when the victim was 8 years old. The accusations were unsubstantiated. In 2008, a John Doe 18 claimed that DeLorenzo performed anal sex on him several times when he (victim) was 8 years old. These claims were also unsubstantiated.
>
> The final accusation came in 2010, when John Doe 17 claimed that DeLorenzo sexually abused him in the late 1970's when he was school age. The incidents were claimed to have occurred while DeLorenzo was pastor of St. Pius in Flint. These accusations were also unsubstantiated and the Review Board found that John Doe 17 was unstable and thus not credible. DeLorenzo was not even assigned to the place where the alleged incident occurred in the given timeframe. John Doe 17 refused the Diocese's offer to pay for counseling. John Doe 17 was himself convicted of two sex crimes in February and May (respectively) of 1997: Sexually Delinquent Person and Indecent Exposure.
>
> In June, 2008, in compliance with the Charter and Essential Norms, DeLorenzo moved to the territorial jurisdiction of the Archdiocese of Miami, FL and was granted an Administrative Leave. Because of the geographical distance, we have been unable to supervise him, but we have learned of no further transgressions over these years. The Archdiocese of Miami was notified that DeLorenzo would be residing in the Miami jurisdiction. He was given Senior Priest status on April 1, 2004, with pension benefits beginning July 5 of that year, to coincide with Social Security.
>
> [*Id.* at 7–9.]

Bishop Boyea also included a supplemental *Votum* as part of his petition packet, regarding four of the alleged victims – John Doe 16, an unnamed man, John Doe 18, and John Doe 17 – that provided in part pertinent:

> Four other men have indicated that they also were victims of DeLorenzo when they were minors (see my original Votum, pgs. 7–9). The Diocese has taken no steps to institute canonical proceedings since the Charter penalties are already in effect and there would be no benefits to the victim in imposing the same penalties a second time. However, the Diocese considers two of the claims to be quite plausible and another to be very possible. One [ ]is a person who twice approached the Diocese and who has been given help with counseling

> expenses. Another is now an attorney (someone quite capable of asserting a financial claim if so inclined), who asked only to have counseling expenses reimbursed. He, too, is being assisted. No formal determination of guilt has been made in these matters, nor will one be sought. Yet when a person approaches the Diocese privately, saying that he is a victim of an admitted abuser, and seeking counseling assistance with no other attempt to benefit financially, the Diocese of Lansing is of the view that the claim may well be true.
>
> [*Id.* at 108.]

After having reviewed Bishop Boyea's July 2016 petition for laicization, the Congregation for the Doctrine of the Faith issued the following decision:

> This Congregation, after having carefully examined the documents of the present case, invites you to choose an appropriate facility in which Rev. DeLorenzo is to reside, and to impose residence therein by means of a decree, adding to it a penal precept (CIC can. 1319), by which penalties may be imposed, should he choose not to abide by your decree.
>
> Alternatively, if Your Excellency remains of the opinion that the situation of Rev. DeLorenzo necessitates the imposition of further penalties, you are hereby authorized to undertake an administrative penal process, according to the norm of CIC ca. 1720. In those allegations that require it, this Dicastery grants the necessary derogation from prescription (SST art. 7 §1). Should you deem an administrative process necessary, Your Excellency is kindly asked:
>
> 1) To inform the accused of the allegations and proofs, while affording him the opportunity, via his canonical advocate, of a proper defense;
>
> 2) To evaluate accurately all the proofs and the evidence with the assistance of two assessors who are competent and renowned for their prudence;
>
> 3) To issue a decree in accordance with cc. 1342-1350 CIC, imposing a proportionate penalty as warranted, if the delict can be proven with certainty. The decree should contain the reasons *in iure et in facto*.
>
> [App'x VAD#34, Letter from the Congregation of the Doctrine of the Faith from Archbishop Augustine DiNoia to Bishop Boyea, Prot. N. 87/2016-57230, dated September 27, 2016, pp 1–2.]

On December 5, 2016, John Doe 19 alleged that he was groped by Fr. DeLorenzo in the Holy Redeemer Church bathroom, when he was six or seven years old in or about 1996. (App'x VAD#36, Victim Assistance Coordinator Allegations Record, dated December 29, 2016, p 1.) John Doe 19 alleged that Fr. DeLorenzo told him "everything will be okay" and "you don't have to remember this" before Fr. DeLorenzo groped John Doe 19's genitals. (*Id.* at 1, 2.) John Doe 19 believed that the alleged sexual abuse "contributed to current relationship problems." (*Id.* at 2.) Through his home diocese, John Doe 19 requested the Diocese of Lansing to pay for therapy, and the Lansing Diocese agreed to do so. (*Id.*) The Diocese of Lansing also reported the allegation to the Genesee County Prosecutor's office. (*Id.*)

On May 6, 2018, John Doe 20 (John Doe 20 when the incident occurred) emailed diocesan VAC Cheryl Williams-Hecksel and alleged that, when he was a student at Holy Redeemer School in Burton in the mid-1990s, he was sexually abused by Fr. DeLorenzo. (App'x VAD#37, Victim Assistance Coordinator Allegations Record, dated May 13, 2018, p 1.) The alleged sexual abuse commenced in or about 1995, when John Doe 20 was in kindergarten or first grade and ended about five years later, when he moved to a new school and parish. (*Id.*) The details of the alleged sexual abuse were not stated in the VAC's report, but the allegations of John Doe 20 were reported to the Genesee County Prosecutor's office by the Diocese's general counsel, by letter dated May 15, 2018. (App'x VAD#38, Letter from Diocesan General Counsel to John Potbury, Deputy Chief Assistant Prosecuting Attorney of Genesee County, dated May 15, 2018.)

On June 19, 2018, Det. David Powell and Lt. Odette of the Burton Police Department interviewed John Doe 20 and later summarized his allegations of sexual abuse as follows:

> John Doe 20 stated he had become involved with the church early on in life, when he had been adopted by the John Doe 20 family. John Doe 20 stated he was very involved and would go to church throughout the week as well as on Sunday. John Doe 20 stated that it was Vincent DeLorenzo that had baptized him when he was in the first grade. John Doe 20 stated the religion really interested him in the beginning and he wanted to become an alt[a]r server. John Doe 20 stated he believed Vincent DeLorenzo was coaching him to come closer to him at that time. John Doe 20 stated DeLorenzo was always physical with him, touching him and "rubbing on him." John Doe 20 stated it started out as blessings and then it became more personal by DeLorenzo asking John Doe 20 to come into his office. John Doe 20 stated he believed that Vincent DeLorenzo had been attempting to isolate him at that point. John Doe 20 stated Vincent DeLorenzo would come closer to him, once inside his office, unbutton his pants, place his hand into John Doe 20's pants and fondle him. John Doe 20 stated this became normal to him, because he did not know anything else. John Doe 20

> stated his adopted mother had touched all of her adopted boys, when she would bath[e] them. John Doe 20 stated she would flick his penis, while he was in the bathtub. When Vincent DeLorenzo first started fondling his genitals, he thought it was "tickling." John Doe 20 stated this fondling of his genitals happened many times over. After the initial fondling and molesting, came attempts to penetrate John Doe 20. John Doe 20 explained the penetration was anal/digit penetration attempts. When asked how many times Vincent DeLorenzo had been successful at anal/digit penetration, John Doe 20 stated that had only happened once. John Doe 20 stated Vincent DeLorenzo had attempted digital penetration approximately five times or so. John Doe 20 went on to tell Det. Powell that the fondling happened on a weekly basis. Det. Powell asked John Doe 20 to explain to the best of his ability, what he remembered from the penetration incident. John Doe 20 explained that he just remembered being in Vincent DeLorenzo's office and that there was pressure and Vincent DeLorenzo was pressing down on John Doe 20's shoulders. John Doe 20 stated it was painful and there had been attempts by John Doe 20 to get away from DeLorenzo. John Doe 20 stated he never remembered actually being fully naked. John Doe 20 stated he seemed to remember his pants falling to the floor, but that he was never fully disrobed. John Doe 20 stated Vincent DeLorenzo would talk to John Doe 20, while the sexual molestation was happening. Per John Doe 20 it was confusing to him, because Vincent DeLorenzo would tell John Doe 20 that his adopted mother was wrong and that John Doe 20 was actually a good child. John Doe 20 stated he remembered one of Vincent DeLorenzo's hands being in John Doe 20's pants and the other hand being in Vincent DeLorenzo's own pants. John Doe 20 was asked if there was any oral sex by Vincent DeLorenzo or John Doe 20. John Doe 20 stated he did not think there was, but did seem to remember some kind of warmth on his face at one point in time. John Doe 20 stated Vincent DeLorenzo would always draw attention to himself by talking to John Doe 20, while the molestation was happening. John Doe 20 stated it was confusing to him, because it seemed like Vincent DeLorenzo was acting like a mentor and a friend to him. John Doe 20 stated there were no scare tactics, that Vincent DeLorenzo made it seem like it was a personal thing, just between him and John Doe 20.
>
> [App'x VAD#39, Burton Police Department Case Report, Case No. 1883902351, dated September 10, 2018, pp 3–4.]

On January 9, 2019, John Doe 20 called the Department's tipline and again reported that he was sexually abused by Fr. DeLorenzo from 1995 to 2000. (App'x VAD#40 MSP Original Incident Report, NIS-0000006-19, dated February 11, 2019, p 1.) On January 22, 2019, Sgt. Craig Carberry of the MSP interviewed John Doe 20, whose details of the alleged sexual abuse were consistent with the prior

interview; however, John Doe 20 recalled more incidents of alleged sexual abuse. (*Id.* at 2–3.) John Doe 20 alleged that Fr. DeLorenzo penetrated him digitally from the front and would move his finger in and out of John Doe 20's anus. (*Id.* at 2.) John Doe 20 stated that Fr. DeLorenzo also penetrated him from behind, but he was unsure with what Fr. DeLorenzo penetrated him. (*Id.*) Several months after the interview, John Doe 20 emailed Sgt. Carberry to advise that he was recalling additional incidents of sexual abuse during his therapy sessions, so a follow-up interview took place on November 27, 2019. (App'x VAD#41, MSP Supplemental Incident Report 0010, NIS-0000006-19, dated December 2, 2019, p 1.) In his supplemental report, Sgt. Carberry summarized John Doe 20's additional memories of alleged sexual abuse, taking place behind Fr. DeLorenzo's desk and on a couch, as follows:

> I asked John Doe 20 what he could remember if anything about being on the couch. John Doe 20 stated it would usually start behind the desk and Fr. DeLorenzo would have his hands in his pants penetrating him. He would be led over to the couch. John Doe 20 could not remember if it was his finger or something else. John Doe 20 stated he could remember having his pants down and being bent over the couch or laying over the couch. John Doe 20 [sic.] could remember approximately four events of being on the couch. I asked John Doe 20 if he could tell me more about being bent over the couch. John Doe 20 said he could remember Fr. DeLorenzo penetration [sic.] him in some way with something. John Doe 20 could also remember afterwards being in the bathroom afterwards washing. I asked John Doe 20 if he could tell me more about being in the bathroom. John Doe 20 stated he could remember being in the bathroom having feces on his hands, washing himself, washing his genitals.
>
> [*Id.* at 2.]

During that same interview, John Doe 20 stated that his life had been affected by the alleged sexual abuse. (*Id.* at 3.) When he was a teenager, he was "suicidal, conflicted by his sexuality and combative." (*Id.*) He explained that he later became the victim of a statutory rape, drug abuse, and prostitution. (*Id.*) The police report noted that "John Doe 20 feels his life has been completely destroyed and he won't ever be able to get over it." (*Id.*)

As part of the Department's investigation, Sgt. Carberry contacted and interviewed John Doe 21 in May of 2019, who had previously reported to the Diocese of Lansing in 2014 that he had been sexually abused in 1983 by Fr. DeLorenzo, the memory of which Sgt. Carberry summarized as follows:

> John Doe 21 stated that one day while attending catechism, his name was called over the intercom to go to the rectory. John Doe 21 went to the rectory, [and] upon entering there was a secretary who directed

him into another room. John Doe 21 stated his memories of what happened were repressed for a long time. John Doe 21 said for a short time he could remember afterwards of wanting to tell his sister but wasn't able to. I asked John Doe 21 how old he thought he was at the time of the incident in 1983. John Doe 21 believes he was twelve or thirteen and he believes it occurred in March.

John Doe 21 stated his best memory of the incident is opening a door and walking into an office. Upon walking into the room, he believes the priest is standing in a corner. The priest tells John Doe 21 to come over to him. John Doe 21 said he wasn't thinking anything, because he knew he wasn't in any trouble or anything like that. John Doe 21 walked over to him. John Doe 21 can't remember the rationale] for him being called to the room, but he thought it was explained to him as something fun. As he approached the priest, the priest grabbed him by his belt and pulled him closer. John Doe 21 stated he remembered this, because he was very thin and his belts never fit him, they were always too big. John Doe 21 stated when the slack of his belt caught, it forced his hips forward. John Doe 21 said he was very confused, and he didn't understand what was happening. John Doe 21 said Fr. DeLorenzo unbuckled his belt and started unzipping his pants. At this time everything went black for John Doe 21. He knows there is something behind him, but he isn't sure if it is a person or just an empty area of the room behind him. John Doe 21 stated the next thing he can remember is something being said to him to the effect of "burning in hell with the devil or burn in hell with the devil.["] John Doe 21 said he was unsure if he was told to keep him from telling or something else. John Doe 21 stated every night after this he would have to sleep with a light on, his covers over his head and he had to face the door. John Doe 21 stated to this day he still must sleep with a light on. John Doe 21 continued afterwards he doesn't know how he got back to his classroom. John Doe 21 stated he believes this was a one-time thing and he doesn't remember anyone else being called out of class or to the rectory. John Doe 21 stated this was what he can remember to the best of his ability.

[App'x VAD#42, MSP Supplemental Incident Report 0003, NIS-0000006-19, dated May 17, 2019, pp 1–2.]

On June 12, 2019, Witness 118 called the Department tip line, reporting that her son wrote a letter before his suicide in October 2013 in which he referred to Fr. DeLorenzo as "the sick pervert priest." (App'x VAD#42-2, Department tip dated June 12, 2019.). She said that her son made a comment about "maybe he'll burn in hell and he'll see the sick pervert who put his hand on him in grade school," as her son was a student St. Robert in Flushing when Fr. DeLorenzo was the pastor. (*Id.*)

On December 10, 2018, John Doe 15 called the Department's tipline and reported that he was a victim of Fr. DeLorenzo from 1978 through the 2000s, when he was eight years old to 14 years old, at the St. Pius Parish rectory, in Fr. DeLorenzo's car, and at a seminary. (App'x VAD#43, MSP Supplemental Incident Report 0004, NIS-0000006-19, dated May 24, 2019, pp 1.) Sgt. Carberry interviewed John Doe 15 on May 22, 2019. (*Id.* at 1–2.) John Doe 15 alleged that Fr. DeLorenzo fondled him more than a hundred times, oftentimes when other people, including his parents, were in the vicinity. (*Id.* at 2.) This caused John Doe 15 to cover himself with a blanket or jacket so no one would see what Fr. DeLorenzo was doing to him. (*Id.*) John Doe 15 alleged that he saw Fr. DeLorenzo every week from the second grade through the eighth grade, and every time he did, Fr. DeLorenzo sexually abused him. (*Id.*) As John Doe 15 got older, the alleged sexual abuse got rougher, and, on one occasion, "Fr. DeLorenzo dug his fingers into his [John Doe 15's] penis so hard, his penis bled." (*Id.* at 2–3.) On another occasion, Fr. DeLorenzo allegedly "jacked him off" while in the car on the way to a seminary, causing him to have semen in his pants all day. (*Id.* at 2.) Later in life, John Doe 15 explained that he became a workaholic "to cope with the abuse." (*Id.* at 3.)

On June 14, 2019, Sgt. Carberry interviewed John Doe 16, who, consistent with his earlier report to the Diocese of Lansing, alleged that, after his great-grandmother's funeral, Fr. DeLorenzo said he wanted to talk to John Doe 16 about her death. (VAD#44, MSP Supplemental Incident Report 0008, NIS-0000006-19, dated July 2, 2019, p 2.) Fr. DeLorenzo thereafter went into John Doe 16's great grandparents' apartment, and when John Doe 16 went in after him, Fr. DeLorenzo was allegedly masturbating. (*Id.*) Sgt. Carberry summarized what allegedly occurred next:

> John Doe 16 [who was five years old at the time] said he stood there confused and in shock. Fr. DeLorenzo asked him if he ever played with himself and told John Doe 16 to play with himself. John Doe 16 stated he started to play with himself as Fr. DeLorenzo told him to. John Doe 16 stated he did this, because he didn't know what else to do. John Doe 16 stated as he was playing with himself, Fr. DeLorenzo told him he was doing it wrong. John Doe 16 stated Fr. DeLorenzo helped him a little bit by touching his penis. John Doe 16 stated he continued to play with himself. After a period, John Doe 16 told Fr. DeLorenzo he was ready to go. Fr. DeLorenzo had John Doe 16 wait until he finished, [and] they left the apartment.
>
> [*Id.*]

During the same interview with Sgt. Carberry, John Doe 16 alleged that, at some point before he and Fr. DeLorenzo left the apartment, Fr. DeLorenzo put his finger into John Doe 16's rectum and then moved it in and out. (*Id.* at 2–3.) This allegedly occurred in the living room. (*Id.* at 2.) John Doe 16 further alleged that Fr. DeLorenzo told John Doe 16 that, on some previous occasion, Fr. DeLorenzo had inserted his finger into another boy's rectum to relieve anxiety. (*Id.* at 3.)

In February 2020, John Doe 22 called the Department and stated that he attended St. Pius in the late 1970s and early 1980s and had information regarding grooming behaviors of Fr. DeLorenzo. (App'x VAD#45, MSP Supplemental Incident Report, 0011, NIS-0000006-19, dated February 14, 2020, p 1.) On February 14, 2020, Sgt. Carberry interviewed John Doe 22 and summarized John Doe 22's "uncomfortable" experience with Fr. DeLorenzo:

> John Doe 20 said when he was signed up for catechism there was one specific occasion he was pulled out of class and told to go see Fr. DeLorenzo at the church. John Doe 20 stated the church and school were separate but connected by a hallway. John Doe 20 said the hallway was dark and when he got to the church it was also dark and he didn't see anyone around. John Doe 20 felt very uncomfortable, so he went back to the hallway and hid in between some lockers. After some time, John Doe 20 was still hiding between the lockers, Fr. DeLorenzo came walking down the hallway like he was going to check why John Doe 20 never showed up, like he was supposed to. John Doe 20 said it was very odd he was never reported to his teacher for not showing up at the church and his parents were never notified John Doe 20 had disappeared from class that day.
>
> [*Id.* at 2.]

During the same interview with Sgt. Carberry, John Doe 20 alleged that "his most notable memory" was when he went for his first confession. (*Id.*) Fr. DeLorenzo allegedly had John Doe 20 sit on the priest's lap in the confessional. (*Id.*) John Doe 20 said he was "squirming and trying to get away" and could not recall if he was inappropriately touched during the incident or not. (*Id.*) John Doe 20 thereafter began to skip catechism classes and "do whatever he could to stay away from Fr. DeLorenzo." (*Id.*)

On November 17, 2020, Sgt. Carberry interviewed John Doe 18, who alleged that, for three or four months in 1979, when he was an eight-year-old student at St. Pius, he was sexually abused by Fr. DeLorenzo. (App'x VAD#46, MSP Supplemental Incident Report, 0012, NIS-0000006-19, dated December 10, 2020, pp 2–4.) The first incident allegedly occurred after a nun at the school sent John Doe 18 to see Fr. DeLorenzo at the rectory to be counseled for being disrespectful. (*Id.* at 2.) After John Doe 18 arrived at the rectory, Fr. DeLorenzo began to ask him questions regarding bed-wetting and how often John Doe 18 used the bathroom. (*Id.*) Fr. DeLorenzo then allegedly told John Doe 18 to take off his clothes, including his underwear, so he could clean him. (*Id.*) John Doe 18 did not want to take off his underwear, so Fr. DeLorenzo allegedly grabbed the back of John Doe 18's neck and bent John Doe 18 forward, causing John Doe 18 to remove his underwear. (*Id.*) Fr. DeLorenzo then allegedly began washing the back of John Doe 18's legs and buttocks, after which Fr. DeLorenzo allegedly put what John Doe 18 thought was the washcloth "forcefully" into John Doe 18's "rear end." (*Id.*) John Doe 18 alleged

that he was positive that he was penetrated, but was not sure with what, although it felt like Fr. DeLorenzo "jammed the washcloth in his rear end[,]" and the pain was intense. (*Id.* at 3.) John Doe 18 then began to cry, and Fr. DeLorenzo allegedly took a letter opener, which at the young age of eight years John Doe 18 thought was a knife, and held it against John Doe 18's ear. (*Id.*) He reported that "Fr. DeLorenzo told him if he moved his head, he would put it through his head." (*Id.* at 5.) John Doe 18 stated "that he was frozen by the thought of something stabbing him." (*Id.*) John Doe 18 recalled that Fr. DeLorenzo was masturbating himself during the incident. (*Id.* at 2.)

During the same interview with Sgt. Carberry, John Doe 18 stated that the alleged penetration by Fr. DeLorenzo only happened one time, but John Doe 18 was called to the rectory often during the following three to four months, during which times Fr. DeLorenzo allegedly usually made John Doe 18 take off his clothes while Fr. DeLorenzo "pleasured himself." (*Id.* at 3.) "It was as if he was there as a little kid just to look at." (*Id.*)

During the same interview, John Doe 18 told the detective that, one day when he was crying, he told Fr. Steve, whom he believed was Fr. Steve Raica – referenced throughout this report as Msgr. Steven Raica, who is currently bishop of the Diocese of Birmingham (Alabama) – that "Fr. DeLorenzo does bad things to him." (*Id.* at 3.) John Doe 18 alleged that Fr. Raica asked him what Fr. DeLorenzo did to him, and John Doe 18 indicated that he told Fr. Raica that Fr. DeLorenzo "made [John Doe 18] take his clothes off." (*Id.* at 4.) Fr. Raica allegedly told John Doe 18 it would stop, and it did. (*Id.* at 3, 4.) John Doe 18 believed Fr. Raica talked to Fr. DeLorenzo because, after he told Fr. Raica, it never happened again. (*Id.*) John Doe 18 stated that Fr. Raica never reported the sexual abuse to the school principal or to John Doe 18's parents. (*Id.*) According to the police report, "John Doe 18 said he holds a grudge to this day against Fr. Steve, because [he] could have stopped future issue[s] right then and there if he would have called his parents." (*Id.* at 3)

On May 23, 2019, with the assistance of the Marion County Sheriff's Department, Fr. DeLorenzo was arrested at his home in Summerfield, Florida, on one count of first-degree criminal sexual conduct. (VAD#47, MSP Supplemental Incident Report, 0005, NIS-0000006-19, dated May 30, 2019, pp 1, 7.) After being brought back to Michigan, Fr. DeLorenzo pled guilty to attempted first-degree criminal sexual conduct, and, on June 13, 2023, he was sentenced to one year in the Genesee County jail, five years of probation, and sex-offender counseling and registration. Fr. DeLorenzo died while in jail.

(16) FR. PATRICK W. EGAN
(ON THE DIOCESE OF LANSING CREDIBLY-ACCUSED CLERGY LIST AND THE BISHOP ACCOUNTABILITY SITE.)

Born: April 5, 1937
Ordained: October 2, 1966
Removed from ministry: 2018
Died: August 26, 2023

Fr. Patrick W. Egan was born in England on April 5, 1937, and was ordained to the priesthood on October 2, 1966, for the Diocese of Westminster in England. (App'x PWE#1, Priest Personnel Data sheet.) He arrived in the Diocese of Lansing in 1982, but he was never incardinated into the Lansing Diocese. (*Id.*) Fr. Egan died on August 26, 2023.[22]

In February 1991, John Doe 23 wrote to Bishop Kenneth Povish, requesting his assistance to find "a just and right resolution" in response to his allegation of sexual abuse that he suffered from the hands of Fr. Egan. (App'x PWE#2, Letter from John Doe 23 to Bishop Kenneth Povish, dated February 13, 1991.) Enclosed with that letter were copies of eight letters, to and from Fr. Egan and copies of letters to and from Gerald Rauch, Fr. Egan's pastoral leader and representative of the Christ the King community, regarding the alleged sexual abuse. (App'x PWE#2, (1) Letter from John Doe 23 to Fr. Pat Egan, dated February 21, 1990; (2) Letter from Patrick Egan to John Doe 23, dated March 4, 1990; (3) Letter from John Doe 23 to Gerald Rauch, dated April 2, 1990; (4) Letter from Gerry Rauch to John Doe 23, dated April 23, 1990; (5) Letter from Gerry Rauch to "John Doe 23," dated June 1, 1990; (6) Letter from John Doe 23 to Gerry Rauch, dated January 13, 1991; (7) unsigned note typewritten by John Doe 23, dated February 13, 1991; and (8) Letter from John Doe 23 to Gerald Rauch, dated and February 13, 1991.) On April 2, 1990, John Doe 23 previously reported the alleged sexual abuse to Rauch, and the latter responded to the former on April 23, 1990, writing that he "reviewed the matter thoroughly with

[22] See https://www.dioceseoflansing.org/news/read-abuse-allegation-against-late-father-pat-egan-deemed-credible (last accessed December 15, 2024).

Fr. Egan, that [e]veryone has taken this seriously," it had not been "swept under the carpet," but that at the same time noted that "it is helpful to recall that your allegations have been consistently disputed by Fr Egan." (App'x 2-4, Letter from Gerry Rauch to John Doe 23, dated April 23, 1990.) John Doe 23 was dissatisfied with the way the matter was handled, opining that Rauch's initial reply "at the least, minimized the gravity of the incident, and at the most, denied that anything had taken place that needed to be addressed further." (App'x PWE#2-6, Letter from John Doe 23 to Gerry Rauch, Christ the King Catholic Association, dated January 13, 1991, p 1.)

John Doe 23 detailed the alleged sexual abuse in a February 21, 1990, letter that he had written to Fr. Egan (and subsequently provided a copy to Rauch and later to Bishop Povish), as follows:

> I write this letter to confront you with your having sinned against me.
>
> When you first invited me to join the U-M Boxing Club in the summer of 1987, I expressed some discomfort to you about dressing/undressing and showering in the presence of a priest. I related to you an experience where I was sexually molested by a priest in high school as background for my uneasiness. Your response, in reference to that past event, was, "Are you sure you didn't ask for it or encourage it?"
>
> In July of this past summer, I hurt my back and could no longer spar without significant pain. I related this to you, upon which you suggested some "special drills" to "increase my pain tolerance threshold" to "better enable me to deal with my back injury." These drills involved your directing me to stand, back against a wall with eyes closed, upon which you hit me in the face, abdomen and genitals at random with your boxing-gloved hand. These drills also involved your tapping me on the underside of my testicles, with your bare hand, palm open, through my gym shorts. These drills also involved your directing me to do both of the above to you as well. When I told you that I felt uncomfortable doing the second of the drills to you, you said, "That's okay, go ahead anyway."
>
> [App'x PWE#2-1, Letter from John Doe 23 to Fr. Egan, dated January 13, 1991, p 1.]

Fr. Egan replied to John Doe 23's letter in early March of 1990 and wrote that John Doe 23 "completely misread things," and was "seriously mistaken in the conclusions" he had drawn. (App'x PWE#2-2, Letter from Patrick Egan to John Doe 23 dated March 4, 1990.) Fr. Egan also wrote that he had "submitted this matter to those above me for discernment, and I am working very closely with them." (*Id.*)

In response to John Doe 23's February 13, 1991, letter, Bishop Povish replied on February 18, 1991, and advised John Doe 23 that he had received his letter and "packet" of the letters enclosed regarding the allegations against Fr. Egan and "studied" them. (App'x PWE#3, Letter from Bishop Kenneth Povish to John Doe 23, dated February 18, 1991.) The bishop also wrote that he had requested a meeting with Fr. Egan to discuss the allegations. (*Id.*) Bishop Povish further wrote that Rauch had mentioned the allegations the previous year and advised that the Community would be "handling the matter internally." (*Id.*) Bishop Povish also wrote that "[t]his is the first time that the specifics and your name have come to my attention, and I thank you for writing." (*Id.*)

Also on February 18, 1991, Bishop Povish wrote to Fr. Egan and advised that a complaint had been made against him and scheduled a time for Fr. Egan to meet with the bishop to discuss his "version and interpretation of the alleged incidents" and "what the community did at the time, when Gerry Rausch [sic.] told me the matter would be handled internally[.]" (App'x PWE#4, Letter from Bishop Kenneth Povish to Fr. Patrick Egan, unsigned and dated February 18, 1991.)

By letter dated August 19, 1991, John Doe 23 wrote the following to Bishop Povish, expressing his "dissatisfaction" and disappointment in the way the bishop handled the allegations against Fr. Egan:

> Our phone conversation of late with regard to the incident concerning Patrick Egan was far less than satisfactory with regard to resolving the situation for me. You stated that he underwent a psychological evaluation to determine if there was a need for subsequent treatment, and supposedly, none was found. You stated that he had been removed from his position as boxing coach at the U-M Boxing Club, which was appropriate, as it prevents the circumstances which might lead to other members of the club being sexually assaulted. That was all that was stated, and it is unsatisfactory to me on two counts. First of all, there remains nothing which indicates that he is being held accountable for his actions in regard to the incident of sexual assault that he perpetrated on me. Second, it is great that his needs for possible subsequent treatment were at least briefly considered, and it is great that the safety of other boxing club members is being attended to, but what about my needs as the person who was victimized in the first place?
>
> At the very least, your approach reflects a severe ignorance and denial of the import of what happened, and at most seems to be an irresponsible and self-protective church cover-up. I am forced to continue my efforts to get some satisfactory resolution on this issue, by appealing to church officials above you, and to continue to even if it means contacting the Pope directly. When everything hits the fan, I

> hope you are prepared for your share of the fall-out. I am disappointed that, after your initial seemingly responsible response to my initial letter, that you could not sustain such a responsible and appropriate treatment of the matter until a just resolution could be reached. I have no need or desire for further contact with you other than this expression of my position and dissatisfaction at your cond[u]ct in the matter.
>
> [App'x PWE#5, Letter from John Doe 23 to Bishop Kenneth Povish, dated August 19, 1991) (paragraph break added.)]

No reply letter from Bishop Povish was found in the Fr. Egan file.

On September 20, 2003, Fr. Egan was put on administrative leave after John Doe 23's allegations were again reviewed by the Diocese and referred to the Diocesan Review Board, precipitated by a Washtenaw County Prosecutor's release that stated Fr. Egan had allegedly engaged in inappropriate sexual contact with a minor in 1989 as part of a boxing drill. (App'x PWE#6, Memo to File from Msgr. Michael Murphy, dated September 23, 2003; App'x PWE#7, Letter from Msgr. Michael Murphy to chairman of the Diocesan Review Board, dated and September 23, 2003.) In a letter dated September 25, 2003, Fr. Egan's attorney, however, established that, at the time of the alleged offense, John Doe 23 was an adult. (App'x PWE#8, Letter from Fr. Patrick Egan to Monsignor Murphy, dated September 25, 2003.) On October 9, 2003, the Review Board "declined" to take action and considered the matter "closed." (App'x PWE#9, Report of the Lansing Diocesan Review Board, dated October 9, 2003.) Consequently, Msgr. Robert Lunsford was directed to inform Fr. Egan that his administrative leave was rescinded. (App'x PWE#10, Letter from Msgr. Robert Lunsford to Fr. Patrick Egan, dated October 10, 2003; App'x PWE#11, Case Control Sheet signed by Msgr. Raica, dated October 26, 2010, pp 1–2, "[r]estored to ministry.")

In September of 2014, diocesan legal counsel and Fr. Karl Pung met with Fr. Egan regarding a complaint they received from an unidentified person who alleged that Fr. Egan was only interested in "being hit, not really in doing any boxing himself." (App'x PWE#12, Email from legal counsel to Bishop Earl Boyea, dated September 6, 2014, p 1.) "Father [Egan] responded that such a report would be accurate – he said that's all he is able to do anymore. So he just gets 'gut punches' which 'get my juices going.' " (*Id.*) In response, legal counsel and Fr. Pung advised Fr. Egan that the bishop directed Fr. Egan to "cease boxing, period." (*Id.*) Diocesan legal counsel wrote:

> He readily acquiesced, saying that he had been thinking of stopping anyway. So we continued on the topic of his "juices." Did he mean getting his heart rate up, or did he mean the excitement of the sport. When Father said the latter, we talked to him about the necessity of going to prayer or spiritual direction or somewhere with the very real

> issue of what could take the place of boxing in his life. He mused swimming, but we tried to make him see that a 77-year-old who loves a sport like boxing will need to acknowledge the loss (as well as another loss to the inexorable process of aging).
>
> At that point, having gotten several admissions from him, along with a promise to stop boxing entirely, I did not probe further.
>
> [*Id.*]

Legal counsel also advised the bishop in that same email summary that the former would contact Fr. Bill Ashbaugh to advise him of the resolution reached with Fr. Egan. (*Id.*) Four days later, by letter dated September 10, 2014, Bishop Boyea wrote to Fr. Egan and thanked him for meeting with Fr. Pung and legal counsel and reiterated that he needed Fr. Egan to "retire completely from boxing." (App'x PWE#13, Letter from Bishop Earl Boyea to Fr. Patrick Egan, dated September 10, 2014.) He also wrote the following:

> Further, to the extent that you continue to minister among the young, this should occur in Virtus-compliant settings[23] such as churches and classrooms, and never in gymnasia, workout areas, or your private residence. The physical and spiritual – which sometimes can usefully be mixed to bring young people to the Lord – are now to remain wholly separate in your ministry.
>
> [*Id.*]

On April 5, 2017, Witness 36 wrote to Bishop Boyea, thanking him for meeting with Witness 36 and his family member, John Doe 24, earlier that same day regarding John Doe 24's allegation against Fr. Egan. (App'x PWE#14, Letter from Witness 36 to Bishop Earl Boyea, dated April 5, 2017, p 1.) Witness 36 wrote that his understanding from their discussion was "that[,] until you heard from Fr. William Ashbaugh some time ago about his conversation with John Doe 24[,] you were aware of no complaint against Fr. Pat." (*Id.*) Witness 36 wrote that John Doe 24 had told him about his experience with Fr. Egan the previous year, it having allegedly occurred two years before that, and at which time John Doe 24 reported same to Fr. Ashbaugh and sought the priest's advice. (*Id.*) When John Doe 24 told his family member about his alleged experience, Witness 36 expressed concern that the matter was not "adequately resolved." (*Id.*) Witness 36 also wrote the following:

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[23] The Diocese of Lansing requires "Virtus" training for employees and volunteers who work with children in the Diocese to ensure the protection of children. See https://dioceseoflansing.org/human-resources/protecting-gods-children-awareness-sessions (last accessed December 15, 2024).

> I obtained reluctant permission from John Doe 24 to consult both with [Witness 36's] younger son Witness 37, who has a life-long commitment to the Servants of the Word, and whom I value for his wisdom, and with my older son Witness 38 whose close association with Fr. Pat might either uphold his character or confirm John Doe 24's experience. After consulting with Witness 38 I decided that a potential problem with Fr. Pat might still exist. In conversation with Witness 37[,] [Witness 37] decided he wanted to talk to his brother [Witness 38] independently and then consult with Witness 39, a brother in the Servants of the Word who has a close relationship with Fr. Pat and to whom Witness 37 believed he had a responsibility for communicating this issue. Everyone at this point was feeling anxiety about the number of people being drawn into awareness of this potential problem, but there didn't seem to be any other way of balancing the concerns and needs of each person . . .. John Doe 24, Fr. Pat and anyone else whose safety might need guarding. After these consultations took place, I understood from my [younger] son Witness 37, that Witness 39 believed he needed to decide what response would be appropriate on his part.
>
> [*Id.* at 2.]

After Bishop Boyea received the above-quoted letter from Witness 36, he called both Witness 36 and John Doe 24 on April 24, 2017, and shared the contents of the letter he previously wrote to Fr. Egan back on September 10, 2014. (*Id.* at 1, handwritten notes of Bishop Boyea.) Although John Doe 24's name was not identified in the 2014 documents, it appears that the 2014 allegation was one that John Doe 24 reported to Fr. Ashbaugh, who, in turn, reported to diocesan leadership, which resulted in Fr. Egan's meeting with Fr. Pung and legal counsel and Bishop Boyea's September 10, 2014, letter.

On April 11, 2017, Bishop Boyea called Witness 39 to ask whether Fr. Egan "had any violations that he knew of since 2014 and he said no[.]" (App'x PWE#15 handwritten note of Bishop Earl Boyea.) Bishop Boyea also asked Witness 39 if he could "monitor" Fr. Egan, "as a friend," to which the latter replied in the affirmative and further stated that Fr. Egan was not in good health and would likely be moving into assisted living. (*Id.*)

In August 2018, John Doe 24 contacted Fr. Tim MacDonald and claimed that Fr. MacDonald and Bishop Boyea had been avoiding a formal investigation into the allegations against Fr. Egan. (App'x PWE#16, Email chain initially from Fr. Tim MacDonald to diocesan officials, dated August 16, 2018, pp 4–5.) John Doe 24 did not believe anything "was done to Fr. Egan after he [John Doe 24] came forward" and that "Fr. Egan preyed upon other young men as well." (*Id.* at 4.)

A couple of weeks later on September 13, 2018, Witness 39, regional superior of the Servants of the Word, emailed Bishop Boyea regarding Fr. Egan. (App'x PWE#16, Email from Witness 39 to Bishop Boyea, dated September 13, 2018.) Witness 39 wrote that, in 2017, Fr. Egan twice asked Witness 39's 25-year-old nephew to work out with Fr. Egan, including gut punching. (*Id.* at 1.) He soon thereafter moved into assisted living, and Witness 39 thought that would resolve the matter. (*Id.*) However, in the summer of 2018, Fr. Egan asked another of Witness 39's nephews, 22 years old at the time, to work out with him. (*Id.*) Witness 39 reminded Fr. Egan of Bishop Boyea's "order and the allegation behind it." (*Id.* at 2.) He also advised that he would be informing Bishop Boyea of Fr. Egan's invitations to work out and gut punch with young men. (*Id.*) Fr. Egan claimed that he had no recollection of any such order or the allegation, which Witness 39 noted that, at the age of 80, Fr. Egan "may be suffering some dementia" that could "account for the gaps in his memory." (*Id.*)

On September 17, 2018, the Diocese received a typewritten statement from John Doe 24, who wrote the following regarding his alleged experiences with Fr. Egan:

> Before becoming a Catholic on Easter of 2014 (I was 22), I would often go to Ave Maria for confession. After confessing a sexual sin, Fr. Pat invited me to come to his house for boxing. Within the first week, I met several other guys, some of which I believe to be under 18 years of age. Fr. Pat would ask one, a taller blonde fellow to hit him in the stomach while he was against a wall.
>
> Within a couple weeks, Fr. Pat asked me to come over by myself. During these sessions, he would only ask me to hit him in his lower stomach. After hitting him in the stomach we would come upstairs and talk. He mentioned stories of how he could do this because the Church considered it outreach. At this point I felt uncomfortable and asked my wife and priest, Fr. Bill Ashbaugh if I should continue. He said yes.
>
> After a month, offered to pay me to continue to hit him in the stomach. Due to the mold in his basement, he said we should go to one bedroom on the first floor of his home. He was being aroused by striking of his stomach, I could see this by his breathing and erection. After striking him, he would ask me if he could strike me, and I refused.
>
> Around this time, he told me he used to live with college students in [D]exter, but that due to an issue he had with Fr. Brendan Walsh, he had to live alone. He stated "you never know who you can trust." I believe he was asking if I would keep his secrets. I was recording him with my cell phone. He explained he had several other young men he paid to hit him in the stomach.

At this point it was the last two weeks. I was very disturbed and had been missing our sessions. I continued to see Fr. Pat only on advice I should see how far he would go before I reported his behavior. In the last two sessions, Fr. Pat would touch his erect penis through his shorts in front of me, and in the hallway next to his bedroom. He would tell me things such as "it's good you are doing this, you need to learn how to dominate other people in order to be a good physical therapist." I went to Fr. Ben (pastor at St. Mary's) and explained Fr. Pat's behavior to him. He said he wasn't sure what to do because I was not a minor. I quit "boxing" with Fr. Pat and reported the matter to Fr. Bill Ashbaugh. I asked Fr. Bill, how to get in contact with the Bishop.

Fr. Bill Ashbaugh stated that I should not go to the Bishop, because it would ruin Fr. Pat's life. Instead, Fr. Bill had a lawyer and a separate priest meet with Fr. Pat. Fr. Bill also stated that there had been a previous similar complaint in the past, and that as a result, Bishop Boyea wrote a letter asking Fr. Pat to stop boxing. I asked Fr. Bill how he would know Fr. Pat had stopped boxing, and he would not answer me for several months. I kept pushing, and he stated that he didn't.

Being disturbed, I requested to meet with the bishop sometime later. Bishop Boyea told me he did not remember writing a letter. He said Fr. Pat was not incardinated into the diocese, and that Bishop Boyea did not know why Fr. Pat had been relocated to the Diocese of Lansing. I asked him how he knew Fr. Pat had stopped these sessions, and he said Fr. Pat was in a nursing home and incapable. Several months later, Bishop Boyea called me and said he found the letter and placed it into Fr. Pat's file.

Still feeling insecure about the actions of the diocese, I asked my father-in-law what to do about it. He said he would ask his sons because they boxed with Fr. Pat. [Witness 38], had a similar experience as mine while he was a minor, and in his 20s. He was too afraid to think what was happening was sexual abuse and stopped communicating with Fr. Pat in his mid 20s. With this information, I met with Bishop Boyea again with my father-in-law. The Bishop explained that there wasn't much he could do, and that Fr. Pat was not boxing.

Now, four years later, I have found that Fr. Pat has continued to have dozens of young men to his house for 1 on 1 boxing sessions where he insists that they hit him in the lower gut. I found the other college student who was paid to hit Fr. Pat in the lower gut, and he agreed with me it was disgusting. He has been boxing with Fr. Pat as

> recently as March of this year. The young man's friends, have been having sessions with Fr. Pat as recently as August 2018.
>
> I believe Fr. Pat used a lack of understanding regarding boxing, to sexually assault minors and adults. He asked my brother and I, and many others to take part in a Gay behavior known as pink belly, where men hit each other in the lower gut to be aroused. Fr. Pat had many young men he would pay to hit him in the stomach. By claiming this was boxing, he was able to continue this behavior for decades. After young men would hit him in the lower gut, whom he paid for this pleasure, Fr. Pat would stroke his erect penis in front of them through his shorts.
>
> [App'x PWE #17, Fr. Patrick Egan "Sexual Abuse Allegation (includes minors)" by John Doe 24, received by Diocese of Lansing, September 17, 2018, pp 1–2.]

Also on September 17, 2018, the same day the Diocese received John Doe 24's typed statement, the Diocese also received an unsigned typewritten statement from "[last name only]," presumably Witness 38, dated September 12, 2018. (App'x PWE#18, Typewritten statement from "Witness 38," dated September 12, 2018, received by the Diocese of Lansing, dated September 17, 2018, pp 1–2.) Witness 38 wrote that he began to box with Fr. Egan when the former was a junior in high school. (*Id.* at 1.) Although the UM Boxing Club was for college students, Fr. Egan occasionally allowed high school students to participate. (*Id.*) Shortly after Witness 38 joined the Club, Fr. Egan allegedly invited him to his home. (*Id.*) This occurred for several years. (*Id.*) Witness 38 wrote:

> One aspect of these sessions that made me uncomfortable was a certain exercise that he invented for strengthening stomach muscles. I say "invented" only because it was not something that we ever did at the regular boxing club meetings and because it seemed to come out of the blue, as if he had just thought it up. We would take turns holding onto a rope or something that was attached to the ceiling joists. The person holding the rope, hands above their head and torso stretched, would tighten their stomach muscles while the other person, with full-size gloves on, pummeled him in the gut. Fr. Pat liked this exercise. Generally, he liked all of the rough, gritty aspects of boxing, and he had the nose to show for it, but this exercise really seemed to be his favorite part of our sessions. It was very close, sweaty and breathy, however, and it made me uncomfortable because it felt . . . well, frankly, it felt sexual, like some kind of S&M thing.
>
> [*Id.*]

On September 18, 2018, Bishop Boyea met with John Doe 24, Witness 40, and Fr. Pung. (App'x PWE#16, Email from Witness 39 to Bishop Boyea, dated September

13, 2018., handwritten note of Bishop Boyea, dated September 18, 2018.) During that meeting, John Doe 24 told the bishop that, while John Doe 24 punched Fr. Egan (back in 2014), Fr. Egan touched his erect penis. (*Id.*) Bishop Boyea "reaffirmed that he had never told me that, though he may have told others," and that he considered the alleged incident to be a "matter for the police." (*Id.*) Bishop Boyea further wrote that Fr. Egan's faculties would be withdrawn, and the matter would be reported to the police. (*Id.*)

On that same day, September 18, 2018, Bishop Boyea revoked Fr. Egan's priestly faculties. (App'x PWE#19, Decree to Revoke Priestly Faculties from Fr. Patrick Egan, dated September 18, 2018.) Three days later, on September 21, 2018, the Diocese of Lansing reported John Doe 24's allegation to the Washtenaw County prosecutor's office via email on September 21, 2018. (App'x PWE#20, Email from Fr. Karl Pung to crovaj@washtenaw.org, dated September 21, 2018.) Attached to the report was John Doe 24's typewritten statement. (*Id.*)

On September 29, 2018, an anonymous "Ann Arbor Parishioner" sent VAC Williams-Hecksel, Fr. Ed Fride (Pastor of Christ the King Parish in Ann Arbor), and Witness 39 an email with a nine-page attachment regarding Fr. Egan's alleged online behavior. (App'x PWE#21, Email from AnnArborParishioner to Cheryl Williams-Hecksel, Fr. Ed, and Witness 39, dated September 29, 2018, pp 1–2, and nine-page attachment.) "Ann Arbor Parishioner" provided a summary of online research results regarding the alleged activities of Fr. Egan, as follows:

> This information, which I obtained from online research, suggests that:
>
> Fr. Egan may have used online aliases, including social media and email accounts, to access erotic boxing and wrestling forums, Facebook groups about "gay boxing" and in one case from 2015, publicly interacted online with another user with the apparent intention of arranging a physical encounter (whether it actually occurred I cannot say).
>
> Fr. Egan may have solicited similar encounters online, including at least one possible reference to exchanging monetary compensation for this activity. The requested activity in these forums involves fetishizing about boxing, including references to "gut punching," and spans the period from 8 August 2012 until 18 July 2018.
>
> Fr. Egan may have used the same email and Facebook accounts to interact with what appears to have been mostly young men (and others) in the Diocese of Lansing throughout this same time period. He interacted with me (without apparent impropriety) using an alias email account in 2014 when I was adult.

> At least one of these accounts, made on an erotic boxing forum, is geotagged to a location on or nearby the property of Christ the King Church or Domino's Farms off of Plymouth Road in Ann Arbor, MI.
>
> These findings are the result of online research into an AOL email address, gimjob@aol.com, which was provided to me by Fr. Egan in 2014. This email address and the associated usernames "Gimjob" and "Bill Beaver" may assist in the investigation into misconduct by Fr. Egan by relevant authorities.
>
> [*Id.* at p 1 of attachment.]

On October 31, 2018, as part of the Department's investigation, Sgt. Craig Carberry of the MSP interviewed John Doe 23, who provided the same account of his allegations against Fr. Egan as above set forth. (App'x PWE#22, MSP Supplemental Incident Report 0002, NIS-0000013-18, dated November 29, 2018, pp 2–3.) On March 19, 2019, Sgt. Carberry interviewed John Doe 24. (*Id.,* MSP Supplemental Incident Report 0003, NIS-0000013-18, dated March 20, 2019, p 1.) The substance of the allegations was consistent with John Doe 24's typewritten statement above referenced. (*Id.* at 2–3.) The Department did not pursue any charges against Fr. Egan because the allegations were time-barred by the statute of limitations. (*Id.,* MSP Supplemental Incident Report 0004, NIS-0000013-18, dated November 3, 2020, p 1.)

In 2019, the Diocese of Lansing engaged the law firm of Honigman LLP to conduct an independent investigation regarding the allegations made against Fr. Egan and how the Diocese's handled the allegations. (App'x PWE#23, Independent Investigation on Behalf of the Diocese of Lansing, Summary of Findings Concerning Fr. Patrick Egan by Patrick Hurford, Honigman LLP, dated October 4, 2019, pp 1–2.) The investigation was led by Patrick Hurford, a former assistant U.S. Attorney and trial lawyer for the U.S. Department of Justice. (*Id.* at 1.) As part of its investigation, Honigman engaged Stout Risius Ross, LLC, to conduct a forensic review of diocesan records concerning allegations made against Fr. Egan. (*Id.*)

Hurford summarized the results of the investigation as follows:

> There were allegations of misconduct concerning Fr. Egan. These allegations concerned potential sexual harassment, sexual abuse, and improper sexual contact. The allegations did not involve minors.
>
> With respect to the first allegation received by the Diocese in the early 1990s, in violation of current Diocesan policies, the Diocese did not conduct an investigation and no disciplinary action was imposed. In 2003, approximately 12 years after learning of the initial allegation, the Diocese conducted a limited investigation to determine whether the complainant provided the Diocese with information establishing the

> alleged misconduct occurred when the complainant was approximately 25 years old.
>
> With respect to later allegations received by the Diocese between 2014 and 2017, the Diocese promptly conducted appropriate investigations. As a result, the Diocese first placed appropriate restrictions on Fr. Egan to prevent reoccurrence and retaliation. Eventually, as a result of the investigations, the Diocese revoked Fr. Egan's priestly faculties – essentially removing him from the Diocese of Lansing. Although the Diocese was not under a legal duty to report the allegations to law enforcement because the alleged victims were not minors, the Diocese nevertheless made a report to law enforcement. In addition, public statements made by the Diocese of Lansing concerning Fr. Egan were accurate.
>
> [*Id.* at 2.]

On October 17, 2019, the Diocese of Lansing issued a press release regarding the external investigation and the results of same. (Diocese of Lansing Michigan News, Fr. *Pat Egan: An Independent External Review*, October 17, 2019.)[24] The opening statement read: "A newly published independent external review into how the Diocese of Lansing handled two cases of sexual misconduct levelled against an English priest who has resided in the Michigan diocese for much of the past four decades has found that while the Diocese correctly dealt with a recent claim of misconduct, past diocesan officials did not properly handle a prior case dating back to 1990." (*Id.* at 1–2.) Bishop Boyea made the following public apology: "I repeat publicly now what I have said privately and personally to the victim in question: I am deeply sorry for the Diocese's past failure and all should know that the allegation would have been handled differently today." (*Id.* at 2.) The Diocese's press release further stated:

> According to the Diocesan files reviewed by Honigman, in February 1990, a 27-year-old male wrote to Fr. Egan alleging sexual abuse by Fr. Egan while taking part in boxing training with the English priest in 1989. Fr. Egan disputed the man's interpretation of events. The Diocese of Lansing was made aware of the allegations. Despite this, the diocesan records do not show an investigation at the time nor any action taken against Fr. Egan by the late Bishop Kenneth Povish (1924–2003).
>
> Following the US Conference of Catholic Bishops adoption of the 2002 Charter for the Protection of Children and Young People, the Diocese

[24] https://www.dioceseoflansing.org/news/fr-pat-egan-independent-external-review#:~:text=A%20newly%20published%20independent%20external,recent%20claim%20of%20misconduct%2C%20past (last accessed December 15, 2024).

of Lansing turned the allegation over to the Washtenaw County Prosecutor's Office in 2003; the newly-created Diocesan Review Board also reviewed the matter. But since the Review Board's jurisdiction is limited to sexual abuse of minors, their investigation was also limited to determining whether the victim was a minor at the time of the alleged events. The Review Board concluded that Fr. Egan's victim was an adult and thus closed their inquiry. Meanwhile, county prosecutors dropped the case due to the statute of limitations.

The Diocese of Lansing became aware of a second allegation against Fr. Egan in August 2014 when a diocesan priest informed curial staff that he had been approached by a man in his early-20s alleging unusual activity by Fr. Egan during boxing sessions.

After receiving the allegation, the representatives of the Diocesan administration promptly investigated and imposed appropriate restrictions on Fr. Egan's activities. By formal letter in September 2014, Fr. Egan was prohibited from participating in any boxing events or ministering to the young in settings other than classrooms or churches.

In April 2017, the Diocese of Lansing received a letter from a relative of the second victim suggesting that Fr. Egan was continuing to box. The letter contained no specifics concerning ongoing boxing activities involving Fr. Egan. Upon immediate inquiry, the Diocese was assured via a designated intermediary that Fr. Egan was not continuing to box and was, in fact, in poor health and likely moving into assisted living.

In September 2018, the Diocese became aware from various sources of renewed attempts by Fr. Egan to engage in boxing activities in violation of the prohibition placed upon him in 2014. The Diocese also received new information from the second victim of Fr. Egan providing additional details of Fr. Egan's inappropriate activities while boxing. The Diocese again investigated and, as a result, revoked Fr. Egan's priestly faculties on September 18, 2018. This meant that Fr. Egan could no longer have any public ministry within the Diocese of Lansing. This also revoked Fr. Egan's extern status within the Diocese. This decision was communicated both internally and externally by the Diocese of Lansing. A report was also made to law enforcement based on the new information received.

[*Id.* at 2–3.]

In 2021, John Doe 25 contacted the Diocese of Lansing and alleged that he had been "sexually abused" by Fr. Egan between 2005 and 2009, when John Doe 25 was a minor between the ages of 14 and 18, and legal counsel for the Diocese contacted the

Department to report the allegation. (PWE#24, MSP Original Incident Report, NIS-0000004-21, dated May 10, 2021, p 1.) On April 29, 2021, Sgt. Issac Mills of the MSP interviewed John Doe 25. (*Id.* at 2.) John Doe 25 advised that he did "not wish to seek prosecution" of Fr. Egan, but he wanted to report his allegation so that it would be known that Fr. Egan also allegedly sexually abused minors. (*Id.*)

John Doe 25 stated that the alleged sexual abuse began in 2004 or 2005 when he was a freshman in high school. (*Id.*) John Doe 25 joined Fr. Egan's boxing club, and, after about four to six months, Fr. Egan allegedly began "to touch and molest" John Doe 25 during "nut drills," drills ostensibly used to toughen the groin. (*Id.*) He alleged that the following occurred during these drills:

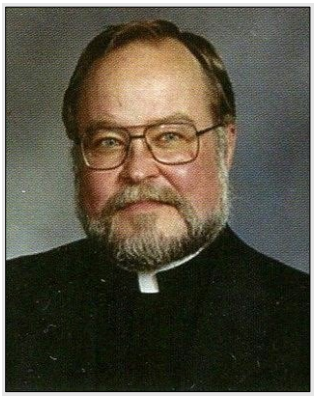
> The "nut drills" consisted of Fr. Egan taking his boxing gloves off, removing his hand wraps, and grabbing John Doe 25's testicles over John Doe 25's shorts. The grabbing of the testicles consisted of both squeezing and rolling the testicles in the hand(s). Fr. Egan would sometimes use one hand, sometimes both hands, and would sometimes switch hands to grab John Doe 25's testicles. Fr. Egan would also have John Doe 25 grab Fr. Egan's testicles over the shorts. Sometimes the grabbing of the testicles would cause pain. Occasionally, Fr. Egan and John Doe 25 would strike one another in the testicles. This striking would be done in boxing gloves, speed bag gloves, and bare hands. They would also slap one another in the testicles. The striking/slapping would take place while they were both clothed.
>
> [*Id.*]

At the time he made the report in 2021, John Doe 25 believed that the "nut drills" were "for a sexual purpose for Fr. Egan," because Fr. Egan seemed to enjoy it when John Doe 25 would grab Fr. Egan's testicles and would occasionally get an erection. (*Id.* at 2.) John Doe 25 also recalled that, during the first year of the alleged sexual abuse, Fr. Egan asked him whether it would be too much if one of them ejaculated during the drills. (*Id.* at 4.)

The Department did not bring charges against Fr. Egan for the alleged "nut drills" because John Doe 25 did not wish to pursue prosecution.

On October 27, 2023, the Diocese of Lansing issued a press release announcing that John Doe 25's allegation against Fr. Egan had been found credible by its Review Board and that Fr. Egan's name had been placed on the Diocese's list of credibly accused clergy.

(17) FR. EDMOND LEON ERTZBISCHOFF



Born: March 11, 1949
Ordained: May 1, 1976
Died: October 3, 2016

Fr. Edmond Leon Ertzbischoff was born on March 11, 1949, in Highland Park, Michigan, and was ordained to the priesthood on May 1, 1976, at St. Mary Cathedral in Lansing, Michigan. (App'x ELE#1, Biographical Record of Fr. Edmond Ertzbischoff.) Fr. Ertzbischoff died on October 3, 2016. (App'x ELE#2, Obituary of Fr. Edmond Ertzbischoff, dated October 3, 2016, Legacy.com.)

By letter dated June 12, 1979, then Fr. Lunsford, wrote to then Fr. James Murray, as a follow up to a conversation that occurred between the two priests the preceding day, regarding a matter that had recently come to Fr. Lunsford's attention. (App'x ELE#3, Letter from Fr. Robert Lunsford to Fr. James Murray, dated June 12, 1979.) Enclosed with that letter was a typewritten statement of same date signed by Fr. Lunsford that summarized the matter in question that Fr. Murray would be keeping in the "secret archives." (*Id.* ; App'x ELE#4, Statement of Fr. Lunsford, dated June 12, 1979.) In his statement, Fr. Lunsford wrote that John Doe 26, a college student in Grand Rapids, alleged that he went to Detroit with Fr. Ertzbischoff a couple of months prior, and they ate dinner at St. Suzanne's in Detroit. (*Id.*) On their way back to Ann Arbor to the St. Thomas the Apostle rectory, John Doe 26 and Fr. Ertzbischoff stopped at a bar for a drink, after having been drinking throughout the day. (*Id.*) Later, while at the rectory, they watched television and drank some more. (*Id.*) Fr. Ertzbischoff offered to drive John Doe 26 home or, alternatively, stay the night in the rectory, and John Doe 26 chose the latter. (*Id.*) A few minutes after John Doe 26 retired to the room he was given, Fr. Ertzbischoff "appeared at the side of the bed, got in and proceeded to touch John Doe 26, who then, immediately got up, got dressed and left the rectory." (*Id.*) John Doe 26 went to the Mariott Inn where he called his father to pick him up. (*Id.*)

On June 4, 1979, Fr. Lunsford discussed the allegation with Fr. Ertzbischoff, the substance of which Fr. Lunsford summarized in his statement as follows:

> That afternoon (June 4) I confronted Fr. Ertzbischoff with the information, assuring him that I would do anything that I could to assist him to address the problem, if it was one. He acknowledged the accuracy of John Doe 26's story and assured me that this was indeed an isolated incident. He stated that he had never had this kind of problem before and that he did not have any sexual-identity problem. He did say that the drinking was a real factor and then we proceeded to talk about that for a few minutes. We also talked about the potential scandal in such an incident and the harm that it would do to this parish and of his obligation to contact John Doe 26 in order to repair any harm that had occurred through what had to be a traumatic experience and to straighten out the relationship.
>
> Subsequently, I struggled with this information and the steps I had taken. Fr. Ertzbischoff has never given me cause to disbelieve anything he has said to me and I have no reason to believe otherwise regarding this incident. Wanting to take every precaution to protect him, John Doe 26 and the parish, I finally decided that it was imperative to get an objective reading on the situation and spoke to Fr. James A. Murray on Monday afternoon, June 11, 1979. This statement to be filed in the 'secret archives' is the result of the meeting with Fr. Murray. It has been seen by Fr. Ertzbischoff and he and I have discussed the drinking question at greater length than previously.
>
> [*Id.*]

In a letter to Bishop Povish, written on July 9, 1993, and time-stamped received on August 18, 1993, John Doe 26's parents wrote that their 27-year-old daughter had recently committed suicide, after having had flashbacks of childhood sexual abuse. (App'x ELE#5, Handwritten letter from Witness 44 to Bishop Kenneth Povish, received August 18, 1993, p 1.) They further wrote that "[w]e learned one week before her death that one of her abusers was her brother John Doe 26, who still cannot remember[.]" (*Id.*) They further alleged that John Doe 26 had been sexually abused for six years by Fr. Ertzbischoff, when the latter was at St. Thomas. (*Id.* at 2.) They alleged that John Doe 26 was sexually abused by Fr. Ertzbischoff in the St. Thomas rectory and in Detroit. (*Id.*) They alleged that "[s]ometimes John Doe 26 was abused in the rectory and on other occasions Father Ed took to Detroit there were 4 or 5 other priests who all abused him." (*Id.*) They further alleged that, "as a result of all of this[,]" their "daughter is dead," and their son was "still going through extensive therapy." (*Id.*) They also alleged that they heard "from reliable sources" that Fr. Timoth Crowley "has been abusing young children," see entry no. 13, and asked the bishop how he could "cover up" and move the priests around "to continue to hurt and harm our little ones." (*Id.* at 3.) They further wrote that, if

the bishop denied the allegations and continued to let Frs. Ertzbischoff and Crowley continue to minister, they would "go public." (*Id.*) They opined that the priests needed to be exposed and punished; therapy was "not enough." (*Id.*)

According to a "Confidential File Memo" written by Fr. James Murray, on August 25, 1993, as a result of the Witnesses 44's letter to the bishop, Fr. Murray and diocesan legal counsel met with John Doe 26 and his wife, at the home of John Doe 26's parents, during which time John Doe 26 alleged that he had been sexually abused by Fr. Ertzbischoff, "the first of many such abuses occurred in a 2nd floor bedroom in St. Thomas Rectory, Ann Arbor, when John Doe 26 was 11–12 years old[,]" which "would place the incident sometime around 1970–71." (App'x ELE#6, Handwritten "Confidential File Memo" from Fr. James Murray, dated August 25, 1993, p 1.) "According to John Doe 26 the sexual activity occurred after Fr. Ed and he had consumed enough alcohol for John Doe 26 to be intoxicated." (*Id.*) John Doe 26 alleged that the "sexual activity included manual and oral sex." (*Id.* at 2.) He also alleged that he resisted Fr. Ertzbischoff's advances the first time and went to a Mariott Inn "where he phoned his father to come pick him up." (*Id.*) Regarding the timing of when the alleged conduct occurred and John Doe 26's mother's allegation that it occurred over a six-year period while Fr. Ertzbischoff was at St. Thomas, the confidential memorandum noted that Fr. Ertzbischoff was assigned to St. Thomas from February 8, 1978, to June 30, 1982, (*id.* at 1), and that Fr. Lunsford's noted the date that John Doe 26 described Fr. Ertzbischoff's advance as having occurred in 1979. (*Id.* at 3.)

Fr. Murray also wrote in his August 1993 confidential memorandum that John Doe 26 alleged that, on another occasion, he went to Detroit with Fr. Ertzbischoff, where they had dinner and drinks with two or three priests, after which all the priests sexually abused him. (*Id.*) John Doe 26 could not provide names or descriptions of the other priests, other than that they were around the same age as Fr. Ertzbischoff. (*Id.*) John Doe 26 alleged that the last incident occurred when he, his wife, and baby visited Fr. Ertzbischoff at St. Joseph in Irish Hills. (*Id.* at 2–3.) After his wife and baby went to bed, John Doe 26 and Fr. Ertzbischoff drank and smoked cigars, and he said that a "sexual encounter" was later initiated by Fr. Ertzbischoff. (*Id.* at 3.) John Doe 26 stated that he started recalling these suppressed memories in the fall of 1992, and he sought counseling from Fr. Tim Crowley, who allegedly "dismissed it all as normal and/or of no consequence." (*Id.*) John Doe 26 stated that he expected the Diocese to remove Fr. Ertzbischoff from ministry as it had Fr. Crowley, to financially assist John Doe 26 with his therapy costs, and to provide John Doe 26 with a financial settlement. (*Id.* at 4.) John Doe 26 stated that, if the Diocese did not meet his expectations, he would "file criminal charges against Fr. Ed." (*Id.*)

On August 27, 1993, Bishop Povish placed Fr. Ertzbischoff on a leave of absence from his pastorate at St. John the Baptist Parish, in Ypsilanti, and withdrew his priestly faculties. (App'x ELE#7, Letter from Bishop Kenneth Povish to Fr.

Edmond Ertzbischoff, dated August 27, 1993.) The bishop also forbade Fr. Ertzbischoff to have any contact with John Doe 26 and his parents and assigned Fr. Ertzbischoff to temporary residence at St. Francis Retreat Center. (*Id.*)

In a memorandum dated September 1, 1993, Fr. Ertzbischoff wrote to Msgr. James Murray that he did not meet John Doe 26 until the spring or summer of 1978, through Fr. Mike Kelly, who was a friend of the Witness 44's family. (App'x ELE#8, Memo from Fr. Ertzbischoff to Msgr. James Murray, dated September 1, 1993, p 1.) He further wrote that he was not assigned to St. Thomas Parish in Ann Arbor until February 1978, and was there through June of 1982. (*Id.*) Fr. Ertzbischoff was ordained to the priesthood in 1976. (App'x ELE#1, Biographical Record of Fr. Edmond Ertzbischoff.) He also stated that he and Fr. Kelly were often invited to Witness 44's family gatherings. (*Id.*) Regarding Fr. Lunsford's "document," Fr. Ertzbischoff wrote that he recalled discussing the matter with Fr. Lunsford, but he was not "100% clear on the content of Lunsford's discussion with John Doe 26" and did not feel that he had a right to ask Fr. Lunsford. (*Id.*) He wrote that it would not have been appropriate "to intrude upon pastor-parishioner confidence or priest-confessor relationship." (*Id.*) However, the discussion with Fr. Lunsford put him "on alert regarding any future situations that might be misconstrued or misinterpreted as sexual encounters." (*Id.*)

In his September 1, 1993 memo to Msgr. Murray, Fr. Ertzbischoff also wrote that, during the time he was assigned to St. Thomas, there were three other priests who were full-time residents at the rectory, as well as three others, but not the entire four years. (*Id.*) With regard to the St. Suzanne Rectory, Fr. Ertzbischoff wrote that there was only one guestroom, and it could not accommodate more than one guest. (*Id.*) Fr. Ertzbischoff also wrote that, at the time when he first came to St. Thomas in 1978, John Doe 26's sister, Jane Doe 11, would have been about 12 or 13 years old, not John Doe 26. (*Id.* at 2.)

On September 3, 1993, Msgr. Murray met with John Doe 26 and his therapist and reviewed a "comparison of factual dates which clearly show[ed] that Fr. Ertzbischoff could not have been guilty of abusing John Doe 26 when he (John Doe 26) was 12–14 years old." (App'x ELE#9, "File Memo from JAM," presumably Fr. James Murray, dated September 3, 1993, p 1.) When Fr. Ertzbischoff met John Doe 26, John Doe 26 would have been 18 ½ years old, and he would have been 19 ½ years old at the time of the incident that allegedly took place in April of 1979. (*Id.*) During that meeting, "John Doe 26 acknowledged the accuracy of our records and the dates indicated there-in." (*Id.*) Msgr. Murray had also spoken to Michael Kelly, who confirmed "Fr. E's version of how MK had first introduced him to John Doe 26 and his family in the Spring or Summer of 1978." (*Id.* at 2.) Msgr. Murray wrote that "John Doe 26 repeated and insisted that there had been several occasions on which Fr. E and he had consumed alcohol in the rectory basement rec room of St. Thomas and that he had gotten drunk and there had been sexual activity with Fr.

E. He repeated these allegations even as he acknowledged that none of this could have occurred before he was 19 years old." (*Id.* at 2–3.)

Also in this September 3, 1993 meeting, Msgr. Murray noted that he informed John Doe 26 that "Fr. Ertzbischoff had been removed from his parish at St. John, Ypsilanti pending the outcome of the investigation." (*Id.* at 1.) Regarding the allegation from Detroit of "multiple abuse by 3–4 priests in a Detroit rectory," he noted that the "[i]nitial results of this investigation were negative." (*Id.* at 1–2.)

In a letter to Fr. Ertzbischoff, dated November 2, 1993, Bishop Povish outlined the steps that needed to be taken in order to restore Fr. Ertzbischoff's priestly faculties. (App'x ELE#10, Letter from Bishop Kenneth Povish to Fr. Edmond Ertzbischoff, dated November 2, 1993.) Bishop Povish stated that the attorneys would pursue the negotiations with the Witness 44's family, and Fr. Ertzbischoff was to go to Guest House, in Rochester, Minnesota, for inpatient treatment (for alcoholism). (*Id.*) Fr. Ertzbischoff was to reside, before and after treatment, at St. Francis Retreat Center in DeWitt, and was to be available there for contact and not be absent from the retreat center, without the authorization of the bishop or Msgr. Murray. (*Id.*) Bishop Povish advised Fr. Ertzbischoff' that his "return to ministry depends on the successful outcome of the treatment program." (*Id.*) By letter dated December 27, 1993, to the parishioners of St. John Parish, Bishop Povish notified the congregation that Fr. Ertzbischoff was on a leave of absence to receive treatment for alcoholism at Guest House, where he had gone once before in 1986. (App'x ELE#11, Letter from Bishop Kenneth to Parishioners of St. John's in Ypsilanti, dated November 27, 1983.) Fr. Ertzbischoff's leave of absence terminated on August 3, 1994. (App'x ELE#12, Priest Personnel Data sheet.)

On July 5, 1994, John Doe 26 filed suit in the Wayne County Circuit Court against the Diocese of Lansing, the Archdiocese of Detroit, St. Thomas Church, St. Suzanne Church, Fr. Ertzbischoff, John Doe, James Doe, Joseph Doe, and Edward Shuttle, alleging Negligence, Intentional Infliction of Emotional Distress, Assault, and Battery. (App'x ELE#13, Complaint and Demand for a Jury Trial, *John Doe 26*, Wayne County Circuit Court Case No. 94-420319-NO, dated July 5, 1994.) Fr. Ertzbischoff denied ever having any sexual contact with John Doe 26, stating that "I have no recollection or no knowledge whatsoever of any kind of sexual activity," and stating further that "I don't even remember any conversation dealing with aspects of a sexual nature with John Doe 26." (App'x ELE #14, Deposition of Edmond Ertzbischoff, October 28, 1994, p 27.) On November 29, 1994, John Doe 26 executed an affidavit by which he asserted that he "was sexually assaulted by anal penetration" "at the St. Thomas Rectory by Defendant Ertzbischoff, as reported to Robert Lunsford," "at St. Suzanne in Detroit, Michigan, by Defendant Ertzbischoff with two unknown priests," and "[b]y Defendant Ertzbischoff a second and third time," among other allegations. (App'x ELE#15, Affidavit of John Doe 26, *John Doe 26*, No. 94-420319-NO, dated November 29, 1994, p 2.)

On March 10, 1995, the parties settled the lawsuit for the amount of $50,000, and John Doe 26 and his wife signed a release. (App'x ELE#16, Release signed by John Doe 26 and Jane Doe 12, dated March 10, 1995.) On March 20, 1995, by stipulation of the parties, the case was "dismissed with prejudice and without costs, as to all parties." (App'x ELE#17, Stipulation for Dismissal and Order*, John Doe 26 v. Catholic Diocese of Lansing, et. al*, Wayne County Circuit Court Case No. 94-420319-NO, dated March 20, 1995, pp 2–3.)

In response to an investigative subpoena served on the Diocese of Lansing in 2003, the Diocese provided documents regarding the John Doe 26 allegations, and MSP Sgt. David Hart investigated the matter. (App'x ELE#18, MSP Original Incident Report, Incident No. 026-0003957-03 (DB), dated July 18, 2003, at 1.) On August 12, 2003, Sgt. Hart called John Doe 26 and asked if he wanted to pursue criminal charges against Fr. Ertzbischoff. (*Id.* at 2.) John Doe 26 advised that he would talk to his wife and call the detective back; however, Sgt. Hart, as of the date of his report, never heard from John Doe 26. (*Id.* at 3.) Sgt. Hart also noted in his report that, although the allegations were reported to have occurred in 1970–1971, "[t]he suspect [i.e., Fr. Ertzbischoff] was not ordained until 1976 and was not appointed to the St. Thomas rectory until 1978," and, at that time, "the victim would have been 18–19 years old." (*Id.* at 2.)

(18) FR. ALEXANDER THOMAS FITZGERALD A/K/A FR. A. THOMAS FITZGERALD (LISTED ON THE DIOCESE OF LANSING CREDIBLY-ACCUSED CLERGY LIST AND THE BISHOP ACCOUNTABILITY SITE.)

Born: March 8, 1916
Ordained: 1942
Died: July 5, 1996

Fr. Alexander Thomas Fitzgerald, also known as Fr. A. Thomas Fitzgerald, was born on March 8, 1916, in Michigan, and was ordained to the priesthood in 1942 for the Diocese of Lansing. (App'x ATF#1, Ancestry.com re Alexander Thomas Fitzgerald.) Fr. Fitzgerald died on July 5, 1996.[25]

In 1991, Jane Doe 13, alleged that Fr. Alexander Fitzgerald sexually abused her over a six-year period, from 1966 to 1972 at her home located in Howell, Michigan. (App'x ATF#8, Handwritten notes written by Fr. James Murray regarding July 26, 1991 meeting with Jane Doe 13; App'x ATF#9, Letter from Fr. Thomas Thompson to Fr. James Murray, dated June 19, 1991.) Jane Doe 13 alleged that the sexual abuse involved "masturbation and pornographic magazines." (App'x ATF#8, Handwritten notes written by Fr. James Murray.) There was no penetration. (*Id.*) In a letter dated June 20, 1991, Jane Doe 13 wrote that she confronted Fr. Fitzgerald later about the sexual abuse, and he did not deny it. (App'x ATF#10, Letter from Jane Doe 13 to Fr. Murray, dated and June 20, 1991.) Fr. Murray advised Jane Doe 13 that the Diocese would pay for her future counseling and consider reimbursing her $1,500.00 for previous counseling. (App'x ATF#8, Handwritten notes written by Fr. James Murray regarding July 26, 1991 meeting with Jane Doe 13.) Jane Doe 13 requested that Fr. Fitzgerald not be informed that she reported the alleged abuse to Fr. Murray. (*Id.*) It is unclear from Fr. Murray's notes whether Jane Doe 13 was a minor at the time of the alleged sexual abuse; however, Fr. Fitzgerald's name does appear on the Diocese of Lansing list of clergy with credible allegations of sexual abuse against a minor.[26]

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[25] See https://www.dioceseoflansing.org/human-resources/list-clergy-credible-allegation-sexual-abuse-minor (last accessed December 15, 2024).

[26] See n. 1 above.

(19) FR. JAMES FITZGERALD

Born: Unknown
Ordained: Unknown
Current Status: Presumed dead.

In a memorandum dated May 12, 1989, Fr. James Murray wrote the following:

> On Friday evening, May 5, 1989, Fr. Walter A. Hurley, Moderator of the Curia of the Archdiocese of Detroit, phoned to inform me that he had received a call earlier that same day from Jane Doe 14 of [address and telephone number redacted]. She . . . alleged that he had sexually abused her some 25–30 years ago. On Tuesday, May 9th, I received a written account from Fr. Hurley.
>
> On the phone with Fr. Hurley, he and I agreed that the Diocese of Lansing would investigate the allegations, since Fr. FitzGerald is an incardinated (retired) priest of Lansing. It was further agreed that the results of our investigation would be communicated to the Archdiocese of Detroit, since Fr. FitzGerald lives in Port Huron and functions as a priest in the Archdiocese. Fr. Hurley said he would notify Jane Doe 14 of this. He also agreed to summarize her allegations in writing for me (a copy of his summary is attached).
>
> At 11:00 p.m. that same evening, Jane Doe 14 phoned me from her home[.] She repeated her allegations and was given assurance that the Diocese of Lansing would investigate the matter and notify her of the results.
>
> On Monday, May 8th, Fr. FitzGerald phoned the Chancery office requesting an appointment with Bishop Povish. He was given an appointment for Wednesday afternoon, May 10th. I was also in attendance at that meeting between the Bishop and Fr. FitzGerald. He (Fr. FitzGerald) showed us a letter dated May 5th, 1989, which he had received from a sibling of Jane Doe 14 (Jane Doe 15). A copy of that letter is also attached. Jane Doe 15 also accused him of 'touching (her) inappropriately'. She also mentioned a specific incident which [sic.] took place on a trip to Chicago when Jane Doe 15 was in the 6th grade. In addition to herself and Fr. FitzGerald, her sisters Witness 120 and Jane Doe 14 were on that trip.
>
> Fr. FitzGerald was confronted with Jane Doe 14's accusations. He denied the accusations of both Jane Doe 15 and Jane Doe 14. He admitted that he had indeed touched these people including pats on their posteriors, but at no time were these touches inappropriate or sexual in nature or intent. He agreed to cooperate with us in the investigation.

Following the meeting with him, we called Witness 120. She met with Bishop Povish and myself in the Bishop's office on the afternoon of Thursday, May 11th. She was shown a copy of Jane Doe 15 letter and of Fr. Hurley's summary of Jane Doe 14's allegations. Witness 120 reaction was that the accusations were 'outrageous'. She noted that both Jane Doe 14 and Jane Doe 15 have been undergoing counseling for several years, and that this has caused them to resurrect and reconstruct their past lives. She also observed that her sister, Jane Doe 15, overreacts and misinterprets words and events 'on a regular basis'. Her remembrance of the Chicago trip was very positive. She could recall nothing whatever of a negative or sordid nature on the entire trip. She holds her family member in the highest esteem and said that she has no reluctance to allow her own children to associate with Fr. Jim. She observed that he had come to her house on the previous day following his meeting with us and how saddened she was to see him shake her daughter's hand by way of greeting her, rather than his usual and normal hug.

At about 10:00 p.m. on Thursday, May 11th, Jane Doe 14 phoned me at the Cathedral rectory. She had received a call from her sister, Witness 120, and wanted to clarify her previous allegations. While she insisted that [he] had touched her and her sister inappropriately when they were in their teens (some 25–30 years ago), she said that any recent inappropriate behavior was not with children but with adults. She stated that she did not want to trigger any criminal charges against Fr. FitzGerald but only to encourage him to seek help.

Having investigated this matter according to the Policy on Pedophilia of the Diocese of Lansing, I conclude that the allegation is unfounded. While Fr. FitzGerald may have at times touched his girls in a manner that they perceived to be too familiar, at no time were these touches of a nature that would come close to criminal conduct – nor was that ever his intent. Weighing the allegations of Jane Doe 15 and Jane Doe 14 against the testimony of Witness 120 and against Fr. FitzGerald's unblemished record of 45 1/2 years of priestly ministry in the Archdiocese of Detroit and the Diocese of Lansing, and absent any proof to the contrary, I must in good conscience, resolve any doubt in his favor.

[App'x JF#1, File Memo of Fr. James Murray, dated May 12, 1989.]

No other documents were found regarding the allegations made by Jane Doe 15 or Jane Doe 14, including the attachments referenced in Fr. Murray's memorandum. No other allegations were found in the Fr. James FitzGerald priest file.

(20) FR. PHILIP P. GALLAGHER, III

Born: June 14, 1947
Ordained: October 14, 1978
Died: June 23, 2014

Fr. Philip P. Gallagher, III, was born in Philadelphia, Pennsylvania, on June 14, 1947, and was ordained to the priesthood on October 14, 1978, at St. Mary Cathedral for the Diocese of Lansing. (App'x PPG#1, Priest Personnel Data sheet.) Fr. Gallagher died on June 23, 2014. (*Id.*)

By letter dated September 14, 1987, Bishop Kenneth Povish wrote to Fr. Gallagher as a follow up to a then-recent meeting between the two men to memorialize an understanding they reached, which included the bishop's admonishment of Fr. Gallagher "in terms of Canon 1395." (App'x PPG#2, Letter from Bishop Kenneth Povish to Fr. Philip Gallagher, dated September 14, 1987.) Although the specific conduct for the admonishment was not detailed, Bishop Povish approved of Fr. Gallagher's choice of psychologist, "as a professional person to whom you will turn for help in this mid-life crisis" and encouraged Fr. Gallagher's plan "with Father Joe Martinus for a community of two in residence at St. Mary's in Flint[.]" (*Id.*) The 1983 edition of Canon 1395, regarding "offenses against special obligations," which was in effect in 1987, read as follows:

> Can. 1395 §1. A cleric who lives in concubinage, other than the case mentioned in can. 1394, [attempted marriage] and a cleric who persists with scandal in another external sin against the sixth commandment of the Decalogue is to be punished by a suspension. If he persists in the delict after a warning, other penalties can gradually be added, including dismissal from the clerical state.
>
> §2. A cleric who in another way has committed an offense against the sixth commandment of the Decalogue, if the delict was committed by force or threats or publicly or with a minor below the age of sixteen years, is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants.
>
> [1983 Code of Canon Law, Book VI, § 1395.]

In a letter dated March 25, 2002, John Doe 27 wrote the following about Fr. Philip Gallagher to Bishop Carl Mengeling (the successor to Bishop Kenneth Povish):

> Didn't Kenneth Povish or James Murray inform you about Phil's penchant for teenage boys? About the 17-year-old boy who went to Phil for counseling? Phil performed fellatio on the boy during the counseling session. Has nobody mentioned that Phil has tried to climb into bed with young men on overnight retreats? Or about the 16-year-

> old seminary prospect that Phil was in love with? Has anyone mentioned to you that Phil is a compulsive liar? That's why many of the priests in this diocese call him 'Old Ten Percent,' because you can only believe about ten percent of what he says.
>
> [App'x PPG#3, Letter from John Doe 27 to Bishop Mengeling, dated March 25, 2002.]

In that same letter, John Doe 27 also alleged that Fr. Gallagher "coerced sex from male employees," and when he was rejected, "the men found themselves without a job." (*Id.*) John Doe 27 also wrote that parents of male children knew about Fr. Gallagher and "cautioned" their children to "never be alone with Phil." (*Id.*) He also alleged that, "[a]t one parish the alt[a]r-servers' had to be cancelled because none of their parents would allow them to go on retreat with Phil." (*Id.*) He stated that "[t]o date, this underground warning system is the only action that's been taken to prevent Phil from abusing someone." (*Id.*)

Diocesan officials searched their database and the Internet to find John Doe 27's address to contact him; however, no "John Doe 27" could be found, leading them to eventually determine that the name was fictitious, as "an alias for someone who wished to remain anonymous." (App'x PPG#4, Memo of Msgr. Michael Murphy to Bishop Mengeling, dated April 2, 2002; App'x PPG#5, Memorandum from Msgr. Robert Lunsford to File, dated April 5, 2002, p 1; App'x PPG#6, Handwritten memorandum from Bishop Mengeling, dated April 5, 2002, p 1.) Msgr. Murphy did make contact with retired Bishop Povish, who told Msgr. Murphy that he remembered admonishing Fr. Gallagher for breaching the sixth commandment [i.e. prohibition against adultery], but could not remember exactly when it occurred or what it entailed. (App'x PPG#4, Memo of Msgr. Michael Murphy to Bishop Mengeling, dated April 2, 2002.) However, the former bishop did believe that the incident(s) "involved adults or teenagers." (*Id.*)

On April 5, 2002, Bishop Mengeling, Msgr. Murphy, and Msgr. Lunsford met with Fr. Gallagher and showed him the letter the Diocese received from "John Doe 27." (App'x PPG#5, Memorandum from Msgr. Robert Lunsford to File, dated April 5, 2002, pp 1–2; App'x PPG#6, Handwritten memorandum from Bishop Mengeling, dated April 5, 2002, pp 1–2; App'x PPG#7, Memo from Msgr. Murphy to the File, dated April 5, 2002, pp 1–2.) Fr. Gallagher adamantly denied all of the allegations. (*Id.*) During that same meeting, Msgr. Murphy advised Fr. Gallagher that a woman from Holy Rosary Parish, located in Flint, told Msgr. Murphy that John Doe 28 "told her that Fr. Gallagher had solicitated him and another student while on a retreat when they were on a high school retreat." (App'x PPG#7, Memo from Msgr. Murphy to the File, dated April 5, 2002, pp 1–2.) Fr. Gallagher also denied those allegations and further denied ever having "solicited or had sex with a minor[.]" (*Id.*) Fr. Gallagher stated that, when he was the pastor of St. Leo Parish, John Doe 28 was employed there. (*Id.*) At the recommendation of the parish council, John Doe 28's full-time hours were reduced to part-time hours, which caused animosity

between John Doe 28 and Fr. Gallagher. (*Id.*) Msgr. Lunsford wrote in his memorandum regarding the meeting that "[t]he impression of Bishop Mengeling, Msgr. Murphy and myself was that Fr. Gallagher was telling the truth." (App'x PPG#5, Memorandum from Msgr. Robert Lunsford to File, dated April 5, 2002, pp 1–2.)

On April 5, 2002, John Doe 28 called the diocesan legal counsel and alleged that, on the day after he graduated from Michigan State University in 1980, Fr. Gallagher "made advances to him, which he rebuffed." (App'x PPG#8, Memo to the File by diocesan counsel, dated April 8, 2002, p 1.) John Doe 28 further claimed that "in 1987 he was demoted or that his pay was cut because he had rejected the advances of Fr. Gallagher in 1980." (*Id.*) John Doe 28 also told the diocesan attorney that Fr. Gallagher had also solicited two adults, Witness 47, a maintenance person, and Witness 48, possibly a seminarian at the time. (*Id.*)

During the same conversation with the Diocese's attorney, John Doe 28 alleged that Fr. Gallagher acted inappropriately with Witness 49, a close friend of John Doe 28, when Witness 49 and John Doe 28 were students at Luke Powers High School in the mid 1970s. (*Id.* at 2.) He further alleged that Witness 49 went to Fr. Gallagher, then a lay teacher at the high school, for counseling to ascertain whether Witness 49 was homosexual. (*Id.*) The then Mr. Gallagher allegedly told Witness 49 that the two of them should lay in bed naked with each other to find out whether Witness 49 was homosexual. (*Id.*) John Doe 28 did not specify whether sexual acts occurred. (*Id.*) John Doe 28 gave the attorney Witness 49's telephone number and Witness 48's email address. (*Id.*) The diocesan attorney determined that "it is probable that the contents of the anonymous letter we received from the person using the pseudonym John Doe 27 were supplied by Mr. John Doe 28." (*Id.*)

By letter dated April 16, 2002, the principal of Luke M. Powers Catholic High School, in Flint, wrote to Msgr. Lunsford, summarizing a conversation he had with Witness 49. (App'x PPG#9, Letter from principal of Powers High to Msgr. Robert Lunsford, dated April 16, 2002.) In part pertinent, the principal wrote the following:

> On Sunday, April 14 I met with Witness 49 at his request. He shared with me that when he was 17 or 18 years old, he met with Phil Gallagher for some personal counseling. Witness 49 contends that Phil's way of "helping Witness 49 cope" was for both of them to lay naked in bed together. Witness 49 told me no sexual act took place and that there was no other incident.
>
> Witness 49 also told me about another alumni, Mr. John Doe 28, who told Witness 49 of an experience he had with Phil in which Phil made unwarranted advances of John Doe 28. Again, no actual act took place as John Doe 28 told Phil to stop.

> Apparently, John Doe 28 and Witness 49, who are friends, were talking and they were concerned about Phil being at Powers and the possible influence/affect it could have on other students. Both alumni are willing to speak with you regarding the incidents.
>
> I ascertained that neither incident occurred while they were students at Powers or while Phil was employed by Powers.
>
> [*Id.*]

On April 16, 2002, the diocesan attorney spoke to Witness 49, during which time Witness 49 stated that he had a homosexual relationship with another high school student who threatened to commit suicide if Witness 49 broke up with him, which was why Witness 49 went to then Gallagher for advice. (App'x PPG#10, Memo to the file from diocesan counsel, dated April 17, 2002, p 1.) Witness 49 alleged "that Philip Gallagher, who at the time was not a priest, but could have been a seminarian" told Witness 49 "to sleep with him naked and that if nothing happened he would know that he was not a homosexual." (*Id.*) Witness 49 told the diocesan attorney that he did not recall anything sexual occurring and he was not drunk at the time of the alleged event. (*Id.*) Witness 49 believed the alleged incident occurred during the latter part of 1975 or during the beginning of 1976; however, he was not certain. (*Id.*) Witness 49 turned 18 years old in 1976. (*Id.*)

During the same discussion with Witness 49, the diocesan attorney was under the impression that Witness 49's statement regarding Witness 48's rejection of Fr. Gallagher differed from the account provided by John Doe 28. (*Id.* at 2.) However, Witness 49 believed that Fr. Gallagher did have a relationship with a seminarian whose parents found out and removed him from the seminary. (*Id.*) In his memorandum, the Diocese's attorney summarized the allegations as follows:

> It was clear to me that Witness 49 was not being vindictive concerning Fr. Gallagher. I asked him repeatedly what he wanted done to Fr. Gallagher and he expressed only a concern that he not be associated with children. This statement by Witness 49 would be the only statement concerning a person under the age of 18, if he indeed was under the age of 18 at the time, which this is not clear. In any event, all of the other people mentioned were well over the age of 18 at the time they were supposedly solicited by Fr. Gallagher. This is the only firsthand statement by an alleged victim and as indicated above it is vague as to the exact time that it occurred but it is not vague as to the fact that no sexual act occurred. The other first party statement is by John Doe 28 which concerns the day he graduated from Michigan State University, which would have probably put him at 22 years of age at the time. And as indicated in my earlier memo; Mr. John Doe 28 indicated that he rejected the advances by Fr. Gallagher.
>
> [*Id.* at 2.]

On April 19, 2001, diocesan officials met with diocesan legal counsel and decided to commence an investigation into the above-referenced allegations against Fr. Gallagher, and Witness 49 and John Doe 28 were asked to put their allegations into written statements. (App'x PPG#11, Memo to File by Msgr. Lunsford, dated April 19, 2002.) The principal of Luke M. Powers Catholic High School was also asked to memorialize the results of a discussion he had with Fr. Gallagher and to also provide his opinion as to whether Fr. Gallagher should finish the school year. (*Id.*) The diocesan attorney notified the Genesee County prosecutor's office of the allegations and invited those officials to "come here and review the files on Fr. Gallagher and Fr. Vincent DeLorenzo," see entry no. 15, above, and Bishop Mengeling was going to meet with Fr. Gallagher. (*Id.*)

On April 22, 2002, the principal of Powers Catholic High wrote his statement, advising Msgr. Lunsford that Fr. Gallagher denied the allegations made by Witness 49. (App'x PPG#12, Letter from the principal of Powers High to Msgr. Robert Lunsford, dated April 22, 2002.) The principal also wrote that he had "not seen any situation between Fr. Gallagher and any students at Powers that I would see as improper" and that he didn't "believe any student is in any danger from Fr. Gallagher." (*Id.*)

In April 2002, John Doe 28 wrote two letters to diocesan officials. In the first, dated-stamped as received on April 24, 2002, he wrote to the diocesan attorney and identified a diocesan employee, Witness 50, as "yet another example of an employee, who, after not accommodating Phil's advances, found himself without a job." (App'x PPG#13, Handwritten letter of John Doe 28 to diocesan counsel, date-stamped received on April 24, 2002.) In the second letter, date-stamped as received on April 29, 2002, he wrote to Bishop Mengeling, summarizing his allegations consistent with his earlier discussion with diocesan legal counsel. (App'x PPG#14, Typewritten letter of John Doe 28 to Bishop Carl Mengeling, date-stamped April 29, 2002.) John Doe 28 stated that, in 1978 "to the best of my recollection,"[27] on his last day of school for that year at Michigan State University, John Doe 28 called him "to go out for a beer and 'shoot the shit.' " (*Id.* at 1.) John Doe 28 told Fr. Gallagher that the school year was over, and he was heading back home to Flint, to which Fr. Gallagher told him he could stay the night in the rectory and head home the following morning. (*Id.*) John Doe 28 agreed and met him at the rectory where Fr. Gallagher and a seminarian were. (*Id.*) Rather than going out to eat and getting a beer, Fr. Gallagher suggested that the three of them check out a local "junior high dance," so they did and then drove around before returning to the rectory. (*Id.*) John Doe 28 alleged that, after they returned to the rectory, Fr. Gallagher excused the seminarian, who went to his room. (*Id.*) Thereafter, Fr. Gallagher allegedly sat beside John Doe 28 and began stroking his arm and told John Doe 28 that he

[27] According to the priest data sheet for Fr. Gallagher, he was ordained to the priesthood on October 14, 1978. (App'x PPG#1, Priest Personnel Data sheet.)

"swung both ways." (*Id.*) John Doe 28 said that he rebuffed Fr. Gallagher and asked him to show him where his room was. (*Id.*) After John Doe 28 went into the room and settled in for the night, Fr. Gallagher allegedly came into the room in his boxers and attempted to crawl into bed with John Doe 28, asking that he "hold [him]." (*Id.*) John Doe 28 declined and told Fr. Gallagher to leave the room. (*Id.*) The following morning, John Doe 28 drove home to Flint. (*Id.*) Several years later, after John Doe 28 graduated from MSU he started working . . . . (*Id.* at 2.) Six years later, apparently in 1986, Fr. Gallagher was appointed as pastor of St. Leo's, and within a few weeks of his pastoral assignment, John Doe 28 explained that Fr. Gallagher reduced his salary, eliminated his family's medical benefits and vacation days, and increased his employment responsibilities, which collectively caused John Doe 28 to seek employment elsewhere. (*Id.*) John Doe 28 claimed that Fr. Gallagher did these things because John Doe 28 rejected his sexual advances years earlier. (*Id.*) John Doe 28 also stated that he wrote a letter to Bishop Povish "about the whole situation and hand-delivered it to the bishop at an event in 1988." (*Id.*) John Doe 28 stated that he never received a response from the bishop. (*Id.*) In a follow-up letter to diocesan legal counsel received on June 26, 2002, John Doe 28 wrote that he was wondering why he had not received an acknowledgment that his written statement had been received; and he also alleged that Fr. Bob McGraw knew that Fr. Gallagher sexually abused a teenage seminarian named "John Doe 28B." (App'x PPG#15, Letter from John Doe 28 to diocesan counsel, received Juned 26, 2002.)

On May 15, 2002, the Diocese of Lansing received Witness 49's written statement, which was consistent with his earlier statement of allegations from 1975, when Fr. Gallagher was a teacher at Powers High School. (App'x PPG#16, Typewritten letter from Witness 49 to Bishop Carl Mengeling, dated-stamped received May 15, 2002.) As he previously alleged, Witness 49 wrote that he confided in Fr. Gallagher that he had questions about his sexuality, after which Fr. Gallagher proposed that he sleep "with him naked," which he said they did and that "[n]othing happened." (*Id.*) Further, Witness 49 stated that he reported the incident to the principal at Powers High School "because I don't think a person like Phil Gallagher can be trusted around young boys." (*Id.*)

In a memorandum dated December 23, 2002 (obtained among the electronic documents seized from the Diocese of Lansing during this investigation), it memorialized a telephone conversation among Msgr. Lunsford, the author of the memorandum, and "Witness 51" from Flint, who alleged that an unknown priest had invited her daughter's 18-year-old male friend to spend the night at a Mount Pleasant casino hotel with the priest on Christmas night. (App'x PPG#17, Unsigned memo to file, dated December 23, 2002.) Msgr. Lunsford and the author of the memorandum called Fr. Gallagher about the allegation, and Fr. Gallagher admitted "that he was the priest and he was the one who issued the invitation." (*Id.*)

On December 22, 2003, Bishop Mengeling issued a singular precept that read in relevant part:

> I therefore establish as a "singular precept" (c. 49) that you are to act with due prudence and caution toward persons and situations which could endanger the obligation to observe perfect continence, that is, clerical celibacy (cc. 277, §§ 1–2, 1339, §2) or which would probably give rise to scandal, or strong suspicions. In particular, you are not to propose or actually to arrange joint accommodations, and especially not sleeping quarters, whether for a night or for a daytime, in the same room of the parish rectory or in the same room of a hotel or in the same room of any other place with another person, whether male or female. Although due prudence must always be observed, this precept does not prohibit spending the night in the same room with another priest or with a member of your own immediate family.
>
> [App'x PPG#18, Precept, issued by Bishop Carl Mengeling, dated December 22, 2003, p 2.]

The events that precipitated the issuance of the precept were described by the bishop as follows:

> Earlier, an allegation was received by me which was discussed with you in a telephone conversation, that is, that you invited a particular young adult man to travel with you to a casino and to spend the night together in the same hotel room. At that time, you acknowledged the accuracy of this allegation and promised not to make or seek to make such arrangements in the future.
>
> However, another such allegation has recently been received from another person concerning an invitation allegedly made on another occasion. You have been heard regarding this particular allegation, and its truthfulness has been established.
>
> According to the information in my possession at this time, neither of these persons accepted the invitations, but both of them felt surprised, confused, and offended because they thought that a sexual proposition might be involved.
>
> This, I am concerned to promote your own welfare, to safeguard the good of the faithful, and to prohibit activities which could easily result in scandal or distrust of the priesthood.
>
> [*Id.* at 1–2.]

(21) FR. ROBERT R. GERL
(LISTED ON DIOCESE SITE AS PRIEST WITHOUT FACULTIES)

Born: February 10, 1951
Ordained: February 10, 1979
Faculties removed: October 2018

Fr. Robert R. Gerl was born on February 10, 1951, in Milwaukee, Wisconsin, and was ordained to the priesthood on February 10, 1979, at St. Mary Cathedral in Lansing, Michigan. (App'x RRG#1, Priest Personnel Data sheet). Fr. Gerl began his studies for the priesthood in the Archdiocese of Milwaukee, where he was ordained a deacon; however, prior to what would have been his priestly ordination, he was arrested for the crime of Solicitation in May 1977 and ultimately pled guilty to the crime of Disorderly Conduct. (App'x RRG#2, Letter of Robert Gerl to Fr. James Swiat, Office of Vocations for the Diocese of Lansing, dated January 29, 1978, p 1.) In the letter, Gerl claimed that he was merely in a park after hours, and that he only pled guilty to the disorderly-conduct charge because he was "afraid of bringing undue attention to the church" and to "his family." (*Id.* at 2.) When Fr. Gerl thereafter applied for incardination into the Diocese of Lansing, he communicated with Fr. James Swiat, Office of Vocations, Diocese of Lansing, during the application process, and, in so doing, described the events that gave rise to his arrest for solicitation:

> To begin, the prime reason for my seeking another diocese is that the Rector of our seminary at St. Francis has decided not to recommend me for ordination for this Archdiocese. As things are set up in the Archdiocese of Milwaukee all the decisions for order are made by the rector. Archbishop Weakland being new has decided to accept the recommendation of the rector.
>
> I do know that this may appear very strange with my being so close to ordination. The rector recognizes my abilities in a number of areas but right now does not think I should be ordained for Milwaukee. The facts of the situation are as follows: I am homosexual in orientation sexually. I have worked with this and have also accepted all that

celibacy entails. I see celibacy as an abstinence from my sexual expression. However, since I have been teaching and working with college age students I have also been exposed to many people struggling with their homosexuality. I have worked with them for I see many of them as the 'poor' that the gospel speaks of. The poor are the totally helpless and rejected in this situation. So I wanted to respond. My involvement was know[n] at the Seminary with homosexuals. This was not a deterrent for ordination to the diaconate in Milwaukee. However, after diaconate ordination I was arrested.

This particular situation was that I was out to dinner with some people that I was working with. We went for a walk through an adjoining park and it was after hours for the park. While we were walking through the park we were approached by a gentleman. This person was a police officer and also a man I knew for we went to grade school together. He gave us a hard time for being in the park and threatened us with arrest for violation of the municipal ordinance on park closings. Well we bantered back and forth but we were just hassled by this man. He escorted us out of the park at which time he informed myself and another person with me that we were under arrest for soliciting. I started to walk away for I did not believe this and was very scared at this time. We were taken down to the police station and he filled out a report on us. I was charged with disorderly conduct. I didn't understand all that was going on. I was released and asked to appear to the assistant Municipal Attorney in the morning. When I arriven [sic.] in the morning I was presented with the choice of pleading either guilty or not guilty to the charge of disorderly conduct. If pleaded guilty I would be fined and all would be dropped. I was concerned as to what would be the situation if I pleaded not guilty. They said that I would have to go through a formal court case and the issue would become matter for public record. I was concerned for a couple of things: I was afraid of bringing undue attention to the church if this was made a public issue and also was conscious of my family. In this light I decided to plead guilty to get it over and not to have it made public. The public record on file says that I was charged with disorderly conduct. The police report was a matter of a private file. This occurred in May, 1977.

The rector was made aware of this situation in October, 1977. He was concerned about the public image for the church if this came out. In the light of my own known homosexuality he had doubts if I was getting involved in something dangerous to my own commitment. He also wanted to know why I didn't come forward to say something. Well, I was too embarrassed and thought that if this would go unnoticed it would all be over and done with. The district attorney is

> on the Seminary's board of directors and was a major contact on informing the rector of the situation. I felt that this was wrong on his part but there was nothing I could have done at that point. I was never involved in anything like this before nor have I since been involved.
>
> This my present situation here in Milwaukee is that I still possess faculties, have not been suspended and may continue to work as a deacon until I either find another diocese who would be willing to work in accepting me in or then I would have to apply for laicization. I have prayed about this choice since October and have come to the conclusion that I will not give up too fast just because of the rough road. I also know that Jesus was very open to those who were put aside in his society and I know that he will not abandon me either. I do pray as Jesus did that ultimately it be the "Father's Will" that be done.
>
> All I ask of your diocese is that I be given a chance. As I mentioned earlier in my first letter I would want you to observe me in my work and would also want to see things in your diocese so we could both make a decision. That is the precipitating situation.
>
> [*Id.* at 1–2. See also App'x RRG#3, Letter from Robert Gerl to Fr. James Swiat, dated March 6, 1978; App'x RRG#4, Letter from Fr. Don Elverman, Pastor of St. Aloysius in West Allis, Wisconsin to Fr. James Swiat, dated March 7, 1978.]

Consequently, the archbishop decided not to ordain Fr. Gerl for the Archdiocese of Milwaukee. (*Id.*) Because of this decision, Fr. Gerl applied for incardination into the Diocese of Lansing, which was granted by Bishop Kenneth Povish on January 25, 1979, and Fr. Gerl was ordained a priest about two weeks later. (App'x RRG#5, Letter from Bishop Kenneth Povish to Deacon Robert Gerl, dated January 25, 1979.)

> In August 1985, six years after Fr. Gerl was ordained to the priesthood for the Diocese of Lansing, he was arrested and charged with soliciting an undercover Ingham County Sheriff detective at the U.S. 127/Holt Road Rest Area for sexual activity. (App'x RRG#6, Ingham County Sheriff Report, Complaint Report No. 5374-85, August 21, 1985; App'x RRG#7, Complaint Misdemeanor, *People of the State of Michigan v. Robert Raymond Gerl*, Ingham County District Court, dated August 21, 1985.) On January 24, 1986, Fr. Gerl's no-contest plea to the crime of disorderly conduct was entered via a "Plea by Mail" form. (App'x RRG#8, *People of the State of Michigan v. Robert Raymond Gerl*, Plea by Mail, Ingham County District Court Case No. 85-3397, January 24, 1986.) Fr. Gerl was sentenced to $200.00 or ten days in jail. (*Id.*)

Prior to his arrest on August 21, 1985, Fr. Gerl served as a deacon and an associate at St. Patrick Parish in Brighton, Michigan, from January 1, 1978, to July 2, 1979; as Parochial Vicar at Resurrection Parish in Lansing from July 2, 1979, to June 30, 1982; and as Parochial Vicar of St. Gerard Parish in Lansing from June 30, 1982, to September 15, 1985. (App'x RRG#1, Priest Personnel Data sheet.) On September 15, 1985, as a result of his arrest, Fr. Gerl was placed on a leave of absence after which he was voluntarily admitted to House of Affirmation, Whitinsville, Massachusetts, for testing and treatment. (App'x RRG#9, Unsigned letter from Fr. James Murray, Chancellor of Diocese of Lansing to Fr. Gerl's attorney, dated October 24, 1985.)

On December 27, 1985, Bishop Povish released Fr. Gerl "for pastoral ministry in the Diocese of Kalamazoo at the Motherhouse of the Sisters of St. Joseph, and at Nazareth College if that should be deemed advantageous." (App'x RRG#10, Unsigned letter from Bishop Kenneth Povish to Bishop Paul Donovan, Bishop of Kalamazoo, dated December 27, 1985.) By that same letter, Bishop Povish wrote that he was grateful to Bishop Donovan for welcoming Fr. Gerl into the Kalamazoo diocese "at this point in his life." (*Id.*) Also on December 27, 1985, Bishop Povish wrote to Fr. Gerl regarding his release to the Diocese of Kalamazoo and advised that, "[f]or the sake of pastoral planning and effectiveness, you and the sisters can count on a minimum of three years beginning January 1, 1986." (App'x RRG#11, Unsigned letter from Bishop Kenneth Povish to Fr. Robert Gerl, dated December 27, 1985.) He also wrote that Fr. Gerl was expected to participate in "intensive insight-oriented psychodynamic therapy" twice weekly and report to the bishop every three months regarding his progress. (*Id.*) Bishop Povish also wrote the following:

> The opening at Kalamazoo comes at a very advantageous time for you. I am pleased that you are loaded with the talents they are looking for, and I know you will be a credit to us in Lansing as well as to yourself. Please keep in touch with us, make your retreat with us, attend Emmaus with us. You will remain in my prayers and have my every good wish.
>
> [*Id.*]

In an undated letter to Diocese of Kalamazoo Bishop Paul Donovan, a parishioner from St. Gerard Church in Lansing, Witness 52, wrote that he "received information that the Diocese of Kalamazoo is considering the hiring" of Fr. Gerl. (App'x RRG#12, Letter from Witness 52 to Bishop Donovan, undated.) On January 20, 1986, the executive assistant to Bishop Donovan, Fr. Robert Morlino, sent a copy of the letter to Bishop Povish and to Fr. John Weber of St. Gerard Church. (App'x RRG#13, Letter from Fr. Robert Morlino to Fr. John Weber of St. Gerard Church, with copy to Bishop Povish, dated January 20, 1986.) Witness 52 further wrote that, in 1985, Fr. Gerl was arrested at a "rest stop for sexual perversion" and that "was not the first encounter with the Police for such activities." (App'x RRG#12, Letter from Witness 52 to Bishop Donovan, undated.) He asked the bishop to check Fr. Gerl's record at Resurrection Parish in Lansing and his personnel record from

prior to his incardination into the Diocese of Lansing. (*Id.*) In a post-script to his letter, Witness 52 wrote:

> The children at St. Gerards were the chief victims of this priest and his actions. And to the best of my knowledge they and the parishioners have never been told of the sinfulness of the act.
>
> [*Id.*]

In what appears to be the letter with which Witness 52's letter was enclosed, Fr. Robert Morlino wrote to Fr. John Weber, of St. Gerard Parish in Lansing that he was sending the enclosed "for your information only." (App'x RRG#13, Letter from Fr. Robert Morlino to Fr. John Weber of St. Gerard Church, with copy to Bishop Povish, dated January 20, 1986.) Fr. Morlino also wrote that, being out of town until January 22, 1986, "Bishop Donovan has not seen this communication nor is he aware of it." (*Id.*)

By letter dated January 27, 1986, Diocese of Kalamazoo Bishop Donovan welcomed Fr. Gerl to the Kalamazoo diocese and confirmed Fr. Gerl's appointment to "Pastoral Ministry in the Diocese of Kalamazoo which I had given orally in late December." (App'x RRG#14, Unsigned letter from Bishop Paul Donovan to Fr. Robert Gerl, dated January 27, 1986, p 1.) Bishop Donovan also confirmed Fr. Gerl's appointment as chaplain "to the Sisters of St. Joseph, Nazareth, Michigan." (*Id.*) It should be noted here that, although Fr. Gerl served in the Diocese of Kalamazoo, he was never incardinated into that diocese, but, rather, remained a priest of the Lansing Diocese. (App'x RRG#1, Priest Personnel Data sheet.)

In June 1991, Fr. Gerl resigned his position at Nazareth College, "due to its pending closing, effective July 1, 1991." (App'x RRG#15, Letter from Fr. Robert Gerl, to Bishop Paul Donovan, dated June 9, 1991.) Contemporaneously, Fr. Gerl resigned as chaplain "to the Sisters of St. Joseph." (*Id.*) Fr. Gerl informed Bishop Donovan that he would start his new position "as the Vice-President and Academic Dean at St. Catharine College" located in St. Catharine, Kentucky, within the jurisdiction of the Archdiocese of Louisville. (*Id.*) Fr. Gerl thanked Bishop Donovan for "the opportunity to re-establish myself and my ministry" in the Kalamazoo diocese. (*Id.*)

In a letter dated October 14, 1991, in response to the request of the Archbishop of Louisville whether Fr. Gerl could be entrusted to provide pastoral ministry within the archdiocese, Bishop Povish wrote the following in a letter identified "personal and confidential":

> Regarding Robert Gerl, I believe it is all right to entrust him with pastoral ministry in addition to his responsibilities at the college. He likes weekend ministry and is very good at it. While he was on the Nazareth staff in Kalamazoo, he took ad hoc assignments from both Paul Donovan and myself and did it very successfully.

> Bob was caught in a compromising situation in September of 1985 with 22 other professional, business and blue-collar men in what was later held to be entrapment. Bob was never prosecuted, and all but two of those who were have been released. We sent Bob to the House of Affirmation for evaluation and recommendation. In view of the publicity locally, H of A recommended placement outside the diocese and out-patient therapy. This was done beginning January 1, 1986, when Bob began his service at the motherhouse and college in Kalamazoo and "insight-oriented psychodynamic therapy" with [a physician]. The latter lasted until June, 1987, the former until the college announced its closure in June, 1991.
>
> I believe Bob Gerl is over-qualified for ordinary parish work and has really found himself in the academic setting. He did everything we asked of him after the incident of 1985, has remained in touch with me and with our presbyterate, and only the vigilantes of the Wanderer Forum militate against his return to the diocese at this time.
>
> [App'x RRG#16, Letter from Bishop Povish to "Tom," i.e., Archbishop Thomas Kelly of Louisville, dated October 14, 1991; App'x RRG#17, Letter from Archbishop Thomas Kelly of Louisville to Bishop Povish, dated August 5, 1991; and RRG#18, Letter from Archbishop Kelly to Bishop Povish, dated October 7, 1991.]

It is not clear why Bishop Povish represented to Archbishop Kelly that Fr. Gerl was "never prosecuted," or that the "compromising situation" was "later held to be entrapment." (*Id.*) It is also not clear why he wrote that all of the arrested men, except two, were "released." (*Id.*) As noted above, Fr. Gerl was arrested and prosecuted. (App'x RRG#6, Ingham County Sheriff Report, Complaint Report No. 5374-85, August 21, 1985; App'x RRG#7, Complaint Misdemeanor, *People of the State of Michigan v. Robert Raymond Gerl*, Ingham County District Court, dated August 21, 1985.) Fr. Gerl pled no contest to disorderly conduct, which led to his conviction of that crime, for which he was also sentenced. (App'x RRG#8, *People of the State of Michigan v. Robert Raymond Gerl*, Plea by Mail, Ingham County District Court Case No. 85-3397, January 24, 1986.)

In three September 1985 news stories, all 23 men who were arrested were charged by the Ingham County Prosecutor, and some of them entered guilty pleas to the reduced charge of disorderly person, as did Fr. Gerl. (App'x RRG#19, *Lansing State Journal*, "23 Warrants Issued in Rest-Stop Arrests," September 6, 1985, pp 1B–2B; App'x RRG#20, *Ingham County News*, "Rest Stop Sex Charges Reduced to Misdemeanors," September 11, 1985; App'x RRG#21, *Lansing State Journal,* "Two Guilty of Reduced Sex Charges," dated January 22, 1986.) All three articles were devoid of any mention of entrapment.

In a letter dated September 2, 1995, Fr. Gerl wrote to Bishop Povish that he was "being investigated on sexual harassment and intimidation allegations at St. Catharine College." (App'x RRG#22, Letter from Fr. Gerl to Bishop Kenneth Povish, dated November 2, 1995.) According to Fr. Gerl's assignment record, he was employed by St. Catharine College in Kentucky from July 1, 1991 to 1996. (App'x RRG#1, Priest Personnel Data sheet.)

In a letter dated February 2, 1996, Fr. Gerl wrote to Msgr. Murray that, since it had been three months since the investigation started, having been on an administrative leave of absence since early November of 1995, Fr. Gerl decided that he would not be returning to St. Catharine College and was negotiating a buy-out agreement with the college that would allow him to resign without any findings or admissions regarding the allegations. (App'x RRG#23, Letter of Fr. Gerl to Msgr. James Murray, dated February 2, 1996, p 1.) He stated that at this point "[t]he allegations have not been substantiated and there have been no findings." (*Id*.)

In 1996, Fr. Gerl applied "for the position of director of pastoral care at St. Mary's Hospital in Streator, Illinois." (App'x RRG#24, Letter from Msgr. James Murray, Moderator of the Curia, to Msgr. James Campbell, Vicar General of the Diocese of Peoria, dated November 15, 1996.) As such, Msgr. Murray wrote to Msgr. James Campbell, the Vicar General for the Diocese of Peoria, regarding Fr. Gerl's priestly status. (*Id*.) Msgr. Murray wrote the following:

> In his letter to you dated November 1, 1996, [Fr. Gerl] has informed you of his arrest in 1985 for the misdemeanor of solicitation. I can affirm that all of the information provided in that letter is accurate and true. He was never accused nor even suspected of committing any crimes of a sexual nature, including crimes involving minors.
>
> [*Id*.]

It is unclear why Msgr. James Murray did not disclose the 1977 Wisconsin conviction and the events that gave rise to the same, or why Msgr. Murray wrote that Fr. Gerl "was never accused nor even suspected of committing any crimes of a sexual nature[.]" (*Id*.) The 1985 solicitation charge was a crime "of a sexual nature" for which Fr. Gerl was formally accused by the Ingham County Prosecutor's office. Specifically, the Misdemeanor Complaint charged the following:

> Did, while being a person 17 years of age or older, accost, solicit, or invite Detective Rick Dral, in a public place, or in or from any building or vehicles, by word, gesture, or any other means, to commit prostitution or to do any other lewd or immoral act; contrary to MCLA 750.448; MSA 28.703. Misdemeanor: 90 days and/or $100.00.
>
> [App'x RRG#24-2, *People of the State of Michigan v. Robert Raymond Gerl*, Complaint Misdemeanor, Ingham County District Court No. 85-3397.]

It does not appear as though Fr. Gerl became employed by St. Mary's Hospital in Illinois in 1996, as his next assignment was back in the Diocese of Kalamazoo in 1997 at St. Thomas More Student Parish. (App'x RRG#1, Priest Personnel Data sheet.) Concurrent with that position, Fr. Gerl also agreed to work part-time at St. Mary's CHCS in Grand Rapids. (App'x RRG#25, Letter from Fr. Robert Gerl to Msgr. James Murray, dated June 13, 1997.) Msgr. Murray wrote to the dioceses of Kalamazoo and Grand Rapids to advise that Diocese of Lansing Bishop Mengeling was willing to allow Fr. Gerl to fill the foregoing positions and to also advise of Fr. Gerl's priestly standing. (App'x RRG#26A, 26B, Letter from Msgr. James Murray, Moderator of the Curia, to Fr. Eugene Sears, Administrator of the Diocese of Kalamazoo, dated June 13, 1997, p 1, and Letter from Msgr. James Murray, Msgr. Terrence Stewart, Chancellor, Diocese of Grand Rapids, dated July 1, 1997, p 1.) In both letters, Msgr. Murray wrote that "[y]ou've been fully informed of Father Gerl's history, including his plea of *nolo contendere* to a charge of disorderly conduct in a public place[.]" (*Id.*) Msgr. Murray also quoted positive findings from a psychological assessment that had been completed on Fr. Gerl subsequent to his 1985 arrest. (*Id.*) Msgr. Murray wrote that based on the psychological evaluation and therapy Fr. Gerl underwent and "of Father Gerl's personal history since the unfortunate incident in 1985," he could be safely assigned to both positions. (*Id.* at 2.) The letter did not refer to Fr. Gerl's 1977 conviction.

In a letter dated June 19, 1997, upon receiving Msgr. Murray's letter regarding the standing of Fr. Gerl, Fr. Sears appointed Fr. Gerl as parochial vicar of St. Thomas More Student Parish. (App'x RRG#27, Letter from Fr. Eugene Sears, Diocesan Administrator, to Fr. Robert Gerl, dated June 19, 1997.) Fr. Sears also replied to Msgr. Murray's letter, thanking him and advising that, based on the information Msgr. Murray provided, Fr. Sears would be willing to give Fr. Gerl "another chance," also noting, however, that Bishop Emeritus Donovan "has voiced some grave concern about Robert returning to the area." (June 19, 1997, letter from Reverend Eugene Sears, Diocesan Administrator, to The Reverend Monsignor James Murray.)

On October 11, 2001, Judge Thomas Brennan of the 55th District Court set aside Fr. Gerl's "Accosting/Solicitation" conviction. (App'x RRG#29, Order on Application to Set Aside Conviction, *People of the State of Michigan v. Robert R. Gerl*, 55th District Court Case No. 85-3397-SM, entered October 11, 2001.) In its findings, the Court held that Fr. Gerl had "not been convicted of more than one criminal offense." (*Id.*) It is unclear why the order set aside the original offense of Accosting/Solicitation rather than the reduced offense of Disorderly Conduct, the latter being the crime for which Fr. Gerl was convicted. It is also unclear as to why Fr. Gerl's 1977 conviction in Wisconsin did not preclude Fr. Gerl from having the subsequent conviction set aside.

On June 5, 2002, St. Thomas More Catholic Student Parish received a prayer request through its website from "TangoFango" for the " 'victims' of Robert Gerl."

(App'x RRG#30, Letter from Witness 54, SSJ, Pastoral Team, St. Thomas More Catholic Student Parish, to Bishop Carl Mengeling, dated June 18, 2002; App'x RRG#31, Email prayer request from TangoFango, dated June 5, 2002.) TangoFango's stated reason for the prayer request was "[t]o help us move on with our lives with a sense of security, and dignity!" (*Id.* at 1.) The following was also stated:

> I know that I'm not the only one. He used his lies, and false information to manipulate and abuse. He is not a man of god! Please, please stop him from hurting other[s], and being in a position to do so.
>
> [*Id.* at 1.]

Sister Sue McCrery, SSJ, replied to TangoFango and asked if he had more to say and offered her assistance. (*Id.*) TangoFango replied to her as follows:

> Thank you! I had struggled with the issue of Robert Gerl for several years. I was a young gay man that should never had any involvement with him. To this day, I am still trying to forgive myself for being so [naive]. I've dealt with much mental anguish regarding what he put me through. He is a very sick man with sadistic fetishes.
>
> It is my hope that he will not be in a position to work with or supervise individuals in a therapeutic or educational level again.
>
> It is truly a time of moving on and healing. Thank you for acknowledging my prayer request! Saint Thomas M[o]re is a wonderful place!
>
> [*Id.* at 2.]

In a June 18, 2002 email response, Sister McCrery told TangoFango that if he wished to ensure that Fr. Gerl not provide therapeutic or educational assistance again, that he should inform Bishop Mengeling of the Diocese of Lansing, as Fr. Gerl was "a diocesan priest from the Diocese of Lansing." (RRG#32, Email response, dated June 18, 2002.)

In her letter to Bishop Mengeling, advising of the prayer-request email from TangoFango, Sister McCrery wrote that Fr. Gerl worked with the pastoral team of St. Thomas More Catholic Student Parish with her from 1997 to 2000. (App'x RRG#30, Letter from Sister Sue McCrery, SSJ, Pastoral Team, St. Thomas More Catholic Student Parish, to Bishop Carl Mengeling, dated June 18, 2002, p 1.) On June 20, 2002, Msgr. Lunsford, on behalf of Bishop Mengeling, emailed TangoFango to advise that Sr. McCrery had notified the Diocese of Lansing of TangoFango's allegation of sexual abuse against Fr. Gerl and asked TangoFango to provide additional information to enable the diocese to pursue the matter. (App'x RRG#33, Email from Msgr. Robert Lunsford to TangoFango, dated June 20, 2002.) There is no further mention of the TangoFango allegation in the Fr. Gerl file.

By letter dated July 7, 2004, Fr. Gerl wrote to then Bishop James Murray of the Kalamazoo diocese, requesting incardination into that diocese, and Bishop Murray declined the request. (App'x RRG#34, Letter from Bishop James Murray, Bishop of Kalamazoo, to Fr. Robert Gerl, dated September 7, 2004.) Bishop Murray offered to meet with Fr. Gerl if he wished "to discuss my reasons for opposing your incardination." (*Id.*) It is not clear from file documents whether such a meeting occurred.

By letter dated December 22, 2009, Bishop of Kalamazoo Paul Bradley, Bishop Murray's successor, wrote the following to Bishop of Lansing Earl Boyea, Bishop Mengeling's successor, requesting clarification regarding the priestly standing of Fr. Gerl:

> As you know, the Reverend Robert Gerl, a priest of the Diocese of Lansing, has been living in the Kalamazoo Diocese for a number of years. He has helped out in several parishes at the invitation of a number of pastors, but he has never been given an official assignment from Bishop James Murray or myself. Fr. Gerl had approached Bishop Murray about the possibility if incardination into the Diocese of Kalamazoo, but Bishop Murray declined to consider that possibility.
>
> I want you to know that I have asked Fr. Gerl to refrain from exercising any priestly ministry in the Kalamazoo diocese until his circumstances are clarified.
>
> Would you please write and confirm whether Fr. Gerl is a priest in good standing with the Lansing diocese? Would you recommend him as a good candidate for ministry in Kalamazoo? Finally, do you anticipate Fr. Gerl serving in the Lansing Diocese in the future? Your help in sorting out his circumstances is essential in my consideration of whether or not to grant him faculties to function in Kalamazoo in the future.
>
> [App'x RRG#35, Letter from Bishop Paul Bradley of Kalamazoo, to Bishop Earl Boyea, dated December 22, 2009.]

In a response dated January 2010 marked "personal and confidential," Msgr. Steven Raica, the then chancellor of the Diocese of Lansing, wrote on behalf of Bishop Boyea and advised that, except for the 1985 arrest for the accosting and soliciting incident that occurred at a rest stop, "[t]here has never been any further episode of indiscretions." (App'x RRG#36A, Letter from Msgr. Steven Raica to Bishop Paul Bradley, dated January 2010, p 1.) Msgr. Raica further wrote that "the fact remains that there is no transgression against a minor or vulnerable person in his record" and there were "no violations of a sexual nature in his personnel file." (*Id.*) Msgr. Raica also stated that there were "no reservations on the part of the Bishop's Office and the Diocese of Lansing about his priestly service." (*Id.*)

On a sticky note dated January 23, 2010, attached to the Msgr. Raica letter, Bishop Bradley wrote by hand that he spoke directly to Bishop Boyea and recorded the following marked as "CONFIDENTIAL":

> I spoke directly w/ Bishop Boyea in [illegible] on 1/7/10. I gave him additional info about 2nd hand reports I've rec'd about Fr. Gerl allegedly soliciting homosexual contacts over the internet. No proof – but more than 1 2nd hand report. He agreed that based on that information, his opinion changes + would not give him an assignment. Neither would I.
>
> [App'x RRG#36B, Letter from Msgr. Steven Raica to Bishop Paul Bradley, dated January 23, 2010, p 1.]

By letter dated January 5, 2016, Diocese of Lansing Bishop Boyea accepted Fr. Gerl's request to retire to senior priest status. (App'x RRG#37, Letter from Bishop Earl Boyea to Fr. Robert Gerl, dated January 5, 2016.) Bishop Boyea expressed his appreciation for Fr. Gerl's 37 years of priestly ministry and encouraged Fr. Gerl to continue to provide his assistance at the Tribunal "in cases of the nullity of marriage." (*Id.*)

In an email dated April 21, 2018, John Doe 29 emailed the Diocese of Lansing, alleging that "[t]he Diocese failed in May, 1980 when Bob Ger[l] had his way with me when I was 18." (App'x RRG#38, Email from John Doe 29 to Cheryl Williams-Hecksel, dated April 21, 2018.)

On the same day, April 21, 2018, Bishop Boyea emailed John Doe 29 in response and advised that there was no mention of any allegation in 1980 in his file or Fr. Gerl's file and requested that John Doe 29 send the bishop a written report of what happened. (*Id.*) In response, John Doe 29 provided a copy of a written recitation of the allegations that he had submitted previously in 2004 and also advised Bishop Boyea that there were three priests from the Diocese of Lansing in addition to Bishop Kenneth Povish (bishop of Lansing from 1975 to 1995) who knew about the alleged sexual abuse. (*Id.*) He then noted that "[a]ttached you will find what I typed up in 2004." (*Id.*)

In a five-page typed statement, which is noted to have been received on April 23, 2018, John Doe 29 alleged that, on or about May 23, 1980, as part of a seminarian retreat, he and other seminarians were assigned to stay the night at Resurrection Parish in Lansing, where Fr. Gerl was assigned. (App'x RRG#40, "Allegation Against Fr. Bob Gerl," signed by John Doe 29, dated April 21, 2018, p 1.) Fr. Gerl provided the seminarians wine during "happy hour" in the living room, after which he provided the young men with their "room assignments." (*Id.*) John Doe 29 noted that he was 18 years old when this happened. (*Id.*) All of the other seminarians were given a bed to sleep on, and John Doe 29 was given a sleeping bag so that he

could sleep on the floor in Fr. Gerl's bedroom. (*Id.*) According to John Doe 29, the following thereafter allegedly occurred:

> After a while, Fr. Bob Gerl asked me if the sleeping bag and floor w[ere] comfortable. Honestly, I answered "no." Fr. Bob Gerl then told me that I could share his own bed if I wanted to. Since I had shared a full size bed with cousins and even my dad several times, I thought nothing of it. So, I lay down in Fr. Bob Gerl's full size bed and started to fall asleep.
>
> A little while later, I became fully awake when a sensation in my genitals stirred me. I awoke to find Fr. Bob Gerl's mouth and hand upon my now erect penis and testicles. My pajama bottoms were pulled down past my knees. My pajama top was pulled up above my belly button. As I began to object, Fr. Bob Gerl "swung" his body around, straddled my face between his legs, and forced his erect penis into my mouth. I tried the best I could to remove him off from me—but he weighed too much for me to have any luck in removing him. In just a short time, he ejaculated into my mouth against my will. As soon as he finally removed his body from pinning me down, I spit out his ejaculate upon myself. . . . He went into the bathroom, fully naked, grabbed a towel, and proceeded to clean up the ejaculate. He then returned to the bed. I told him that I wanted to go back and sleep on the floor. He told me no – stay here because it is more comfortable. I fell asleep on the edge of the bed, with one eye open.
>
> [*Id.* at 1.]

John Doe 29 also wrote that, after the alleged May 1980 incident, the following morning, he left the retreat and drove to Flint, and walked along the Flint River, feeling "dirty" and "used," but also "guilty for some odd reason." (*Id.* at 2.) Feeling as though he needed to talk to someone about the incident, he drove to Flushing, and, after walking around in a park for a while, he went to Fr. John Klein at St. Robert Church and asked him to hear his confession, after which Fr. Klein advised John Doe 29 that he did not do anything wrong. (*Id.*)

According to John Doe 29's account, a few weeks later, Fr. Klein told John Doe 29 that Bishop Povish directed that John Doe 29 go back to Resurrection Parish, so that Fr. Gerl could apologize to John Doe 29. (*Id.* at p 3 of attachment.) Shocked that the bishop wanted him to go back to the very place where he was sexually abused, John Doe 29 refused to go. (*Id.*) But Fr. Klein advised John Doe 29 that he needed to trust and obey the bishop, and John Doe 29 relented and went to Lansing where Fr. Gerl apologized to him and told him "I thought you wanted it." (*Id.*) John Doe 29 then provided a list of 13 questions about the response of the Diocese of Lansing, which supported his heading, "Gross Negligence on the part of the Diocese of Lansing." (*Id.* at 5.)

In the final email from "EB," apparently indicating Bishop Earl Boyea in this April 2018 email chain, Bishop Boyea thanked John Doe 29 for the report and apologized for the pain he had suffered:

> Dear John Doe 29, thanks for the report; as I wrote, I did not find this anywhere, so thanks. I will speak with Bob about this. As you know, since you were 18 at the time, and this is not to justify in any way Bob's abominable behavior, it did not fall under the charter or the other events in 2002. This does not explain why there is no record of your report, as least that I can find. All the reports of Bob's psychologicals and supervisors for years after this and the rest area indicate a reformed person. Nonetheless, I can see that this would still cause you tremendous grief and again I apologize for the pain you have suffered. From your 2004 report, I presume you do not want him to apologize to you or contact you in any way. Know of my prayers. + EB
>
> [App'x RRG#38, Email chain, dated April 2021, p 1.]

In an email dated April 27, 2018, Bishop Boyea emailed John Doe 29 indicating that he "met with Bob Gerl and had him read your 2004 report," and that the bishop "asked him as an act of penance to refrain from attending the Chrism Mass and he said he would." (App'x RRG#39, Email from Bishop Boyea to John Doe 29, dated April 27, 2018.)

On September 25, 2018, Bishop Boyea issued a decree to conduct a preliminary investigation into John Doe 29's allegation. (App'x RRG#41, Decree of Bishop Earl Boyea, Prot. No. PEN 2018/003, dated September 25, 2018.) On the same day, Bishop Boyea appointed the human resources director to conduct the preliminary investigation on the bishop's behalf. (App'x RRG#42, Second Decree of Bishop Earl Boyea, Prot. No. PEN 2018/003, dated September 25, 2018.) By memorandum dated October 1, 2018, the human resources director recommended that Fr. Gerl "no longer be allowed to serve in ministry" in the Diocese of Lansing or as an expert in the Diocese of Lansing Tribunal. (App'x RRG#43, Memorandum from human resources director to Fr. Karl Pung, dated October 1, 2018.)

On October 5, 2018, the Diocese of Lansing issued the following statement regarding the 2018 removal of Fr. Gerl's priestly faculties:

> Rev. Robert Gerl, a Senior Priest of the Diocese of Lansing has had his priestly faculties removed due to a credible allegation of sexual assault of an adult male which occurred decades ago. Fr. Gerl served as a court expert for annulment cases at the Diocesan Tribunal from June, 2014 to October, 2018.
>
> [App'x RRG#44, Diocese of Lansing Statement on Fr. Gerl, dated October 5, 2018.]

Six days later, on October 12, 2018, the Diocese of Kalamazoo released a statement due to "rampant misinformation," regarding Fr. Gerl and his relationship to the Diocese of Kalamazoo, from a statement it issued the previous day. The Kalamazoo diocese clarified that it was not informed of the 1980 credible allegation until October 5, 2018:

> Fr. Bob Gerl came to the Diocese of Kalamazoo in 1986. He served at (now closed) Nazareth College, St. Thomas More Parish and St. Catherine of Siena.
>
> Fr. Gerl was not appointed by the Bishop of Kalamazoo to a Parish assignment. His ministry work at both parishes was arranged through the pastors of those parishes. This was appropriate given that Fr. Gerl was a priest in good standing.
>
> On October 5, 2018, the Diocese of Lansing announced that due to a credible allegation of sexual assault against an adult male which allegedly occurred in 1983, they had suspended Fr. Gerl's priestly faculties.
>
> Priestly faculties are a set of permissions, granted by a diocesan bishop to a priest within that diocese, allowing the priest to publicly minister. Among those permissions are: presiding or concelebrating at Mass; hearing confessions; witnessing marriages; baptizing; anointing the sick and dying. Without those faculties, or permissions, a priest may not publicly minister.
>
> Fr. Gerl has not had priestly faculties in our Diocese since December 2009.
>
> The credible allegation referenced in the statement from the Diocese of Lansing occurred prior to Father's arrival in the Diocese of Kalamazoo and was made known to us by the Diocese of Lansing on October 5, 2018.
>
> The allegation does not involve a minor.
>
> [App'x RRG#45, Diocese of Kalamazoo Statement on Fr. Gerl, dated October 12, 2018.]

On January 19, 2023, Victim Advocate Snyder-Cox and Special Agent Frost, of the Department, met with John Doe 29, who described the alleged sexual assault by Fr. Gerl in May of 1980, consistent with the report his made to the Diocese in 2018. (App'x RRG#45B, Report of VA Snyder-Cox and Agent Frosty regarding interview with John Doe 29, dated January 19, 2023, pp 1–2.) John Doe 29 stated that he "sought out psychological help" in the Fall of 1980 and "was placed on medication to help and realized the root of his anxiety was unresolved anger towards Fr. Gerl not

only for assaulting him but also for destroying his perception of what being a priest was about." (*Id* at 2.) At that time, John Doe 29 was "angry" at Bishop Povish "for forcing him to see Fr. Gerl after the assault, and listen to his 'apology.' " (*Id*.) John Doe 29 also stated that, to this day, "he is still triggered by the end of May, the date of the assault." (*Id*.) John Doe 29 further stated that he believed the way the Diocese treated him in 2018 "was horrible." (*Id*.) "He just wanted to be courageous and make this type of abuse stop." (*Id*.)

In 2020, John Doe 31 contacted the Department's tipline and reported that he was sexually abused by Fr. Gerl, and, on May 13, 2020, the Department's Victim Advocate interviewed John Doe 31. (App'x RRG#46, Interview with John Doe 31, dated May 13, 2020.) John Doe 31 stated that his mother worked at St. Gerard Church where Fr. Gerl was stationed, and John Doe 31's mother thought that Fr. Gerl would be a good role model for her son. (*Id*.) In the summer of 1985, when John Doe 31 was 14 years old, Fr. Gerl invited him to stay in the rectory overnight, and John Doe 31's mother gave permission for him to do so. (*Id*.) In his report, the victim advocate summarized what allegedly happened at the rectory:

> John Doe 31 stated that for dinner Fr. Gerl had them eat pizza and watch Attack of the Killer Tomatoes in a bedroom upstairs. John Doe 31 found this strange and he also noticed that Fr. Gerl had him sit farther into the room so Fr. Gerl was seated between him and the door. During dinner Fr. Gerl gave him a glass of juice and kept telling John Doe 31 to 'drink your juice' until John Doe 31 finished the glass. Once John Doe 31 finished the glass he began to feel tired and his body heavy. The next thing John Doe 31 remembers is being on the bed but feeling like he couldn't move his body. He then remembers seeing Fr. Gerl walk up to him and Fr. Gerl closed John Doe 31's eyes with his fingers. John Doe 31 stated that after this point he only has three flashes of memory until waking up the next morning. The first memory he has is of himself naked in the bathtub with Fr. Gerl and Fr. Gerl's friend from earlier in the day. The next memory is of him opening his eyes and seeing himself in the bathroom mirror as the two men dry him off. Finally, he remembers them holding him up at the toilet instructing him to pee.
>
> In the morning, John Doe 31 was abruptly woken up by Fr. Gerl who was stating that he had to get home. John Doe 31 stated that he was naked when he woke up which was odd because he never slept naked, he also had a feeling as if he had an orgasm. John Doe 31 stated that he remembers waking up a little bit before Fr. Gerl woke him up and hearing Fr. Gerl on the phone with John Doe 31's mother and Fr. Gerl was stating that John Doe 31 wasn't waking up and couldn't come to the phone. When Fr. Gerl dropped John Doe 31 at his home he told John Doe 31, 'don't tell your mother' and then sped away from the

> house. Once inside, John Doe 31 remembers going into the bathroom with a Pepsi bottle and playing with it against his anus. This is something he had never done before and isn't sure why he did it but felt like it was something he should do.
>
> [*Id.*]

John Doe 31 stated that the alleged sexual-abuse incident "had a devastating impact on his life." (*Id.*) After the alleged sexual abuse occurred, he became angry with his parents, destroying his relationship with them. (*Id.*)

(22) FR. PAUL JAMES GUOAN
(ON THE DIOCESE OF LANSING CREDIBLY-ACCUSED CLERGY LIST AND THE BISHOP ACCOUNTABILITY SITE.)

Born: December 21, 1955
Ordained: September 12, 1987
Removed from Ministry: March 11, 2002
Laicized: June 26, 2015

The former Fr. Paul James Guoan was born on December 21, 1955, and was ordained to the priesthood at St. Mary Cathedral in Lansing, Michigan, on September 12, 1987. (App'x PJG#1, Priest Personnel Data sheet.) The former priest was removed from ministry on March 11, 2002, and laicized on June 26, 2015. (App'x PJG#2, Diocese of Lansing list of clergy with a credible allegation of sexual abuse of a minor at 5.)

On August 12, 1993, Witnesses 57 met with Msgr. James Murray and the diocesan attorney and alleged that, in August of 1989, the then Fr. Guoan attempted to pull their son's swimming trunks off when the two of them were swimming at Guardian Angel Camp in Holly, Michigan. (App'x PJG#3, Unsigned typewritten notes regarding Fr. Paul Guoan; App'x PJG#4, March 29, 2004, typewritten notes of legal counsel.) Their son, John Doe 32, was 17 years old at the time of the alleged incident. (*Id.*) On September 9, 1993, Witnesses 57 wrote to Bishop Povish, repeating their allegations, and urging the bishop to take Fr. Guoan out of their parish and into treatment. (App'x PJG#5, Letter from Witnesses 57 to Bishop Povish, dated September 9, 1993, pp 1–3.) Bishop Povish sent Fr. Guoan to the Meadows in Arizona in 1994. (App'x PJG#7, March 11, 2002, unsigned handwritten notes.) He was then sent to Serenity Place from March to June of 1994. (*Id.*)

By letter dated December 29, 1992, Witnesses 58 wrote the following to Bishop Povish:

> As you know, our son John Doe 33 was sexually molested by a priest. The horror has precipitated a complete breakdown of the emotional health of John Doe 33. He is no longer the bright, confident, and trusting young man. He is frightened and disillusioned. Whether he will ever be able to renew his training for the priesthood is unknown.
>
> [App'x PJG#8, Letter from Witnesses 58, dated December 29, 1992.]

Witnesses 58 also wrote that they were "trying to find forgiveness for the acts of the offending priest, Fr. Paul Gu[o]an[,]" although the details of the alleged sexual abuse were not stated in the letter. (*Id.*) They also asked the bishop to share with them what the Diocese had done "to assure that this priest will not assault again." (*Id.*) Bishop Povish replied to the Witnesses 58 and advised that an investigation of the matter commenced on March 5, 1992, and it was determined that Fr. Guoan

should undergo counseling, which commenced in the summer months and was continuing. (App'x PJG#9, Letter from Bishop Kenneth Povish to Witnesses 58, dated January 18, 1993.) The bishop further advised that, until a report was received from Fr. Guoan's counselor, Fr. Guoan would remain on assignment in Lansing. (*Id.*)

Fr. Guoan's alleged sexual abuse of John Doe 33 occurred in 1991, when John Doe 33 was 21 years old. (App'x PJG#10 Letter from general counsel of the Diocese to Stephen Henne, Corporate Claims Manager, dated November 20, 1995.) Allegedly, John Doe 33 and Fr. Guoan went out to a bar "drinking, dancing and flirting with women[,]" after which they went back to St. Gerard's to the guest room and gave each other back rubs. (*Id.*) "Apparently Paul Guoan touched John Doe 33 above the underwear during the incident." (*Id.*) Fr. Guoan admitted that the incident occurred. (*Id.*) The Diocese of Lansing agreed to pay off an $11,000.00 student loan for John Doe 33, and Fr. Guoan was expected to reimburse the Diocese. (*Id.*; App'x PJG#11, Letter from Msgr. James Murray, Moderator of the Curia, to John Doe 35, dated August 23, 1995.) Over the years, the Diocese "provided hundreds of thousands of dollars in various forms of assistance to [John Doe 33]." (App'x PJG#12, Letter from diocesan attorney to Witnesses 58, dated October 29, 2014, p 1.) And in 2015, the Diocese decided to continue to pay for John Doe 33's counseling and also to provide John Doe 33 with health-insurance coverage for the rest of his life. (App'x PJG#13, Letter from diocese counsel to Mr. and Mrs. John Doe 33, dated December 30, 2015 at 1.) Previously, the diocese had provided assistance with "rent and other ordinary expenses of life, such as transportation, living expenses, [and] other financial support paid directly to John Doe 33 or to third parties[.]" (*Id.*)

On March 11, 2002, Bishop Mengeling removed Fr. Guoan from public ministry. (App'x PJG#14, Directives from Bishop Carl Mengeling to Father Paul Guoan, dated March 11, 2002.) Bishop Mengeling also directed Fr. Guoan to reside at Alma Redemptoris Mater Center and to undergo a psychological evaluation by a physician at Sacred Heart Mercy Center located in Alma, Michigan. (*Id.*)

A few weeks later, Msgr. Murphy wrote the following to Bishop Mengeling, regarding the alleged conduct of Fr. Guoan:

> His sexual orientation is homosexual and most likely he is attracted to young, immature, dependent and troubled youth. He has had incident with John Doe 33 (21) another man of 24 years, and the convict who was in his twenties. He also got caught talking on the phone with a convict with very suggestive and sexually oriented conversation. (Thus he was banned from the prison system in Michigan.)
>
> He has a huge problem with the 17 year old male whose swimming trunks he tried to pull down. That man could surface again and

> demand of the diocese that Fr. Paul have no contact with any young males ever. That man does not know if Fr. Paul has had other homosexual contacts with boys in their late teens, and the current milieu might lead him to make such a demand of the Bishop of Lansing with the view of protecting other young men in the future. If that happens we would be very embarrassed if Paul had a pastoral assignment in the diocese.
>
> [His physician] cannot give us any clearance that it would be safe to give Fr. Paul Guoan an assignment.. He has not demonstrated much discipline in his pleasure oriented life-style. He has had all the sexual contacts listed above since his contact with the John Doe 32 boy in 1989. In light of the current atmosphere he still had the episode with a black heroin addict who in turn blackmailed him. He had brought this man into his bedroom at St. Mary office building. His judgment is very poor.
>
> All of these items make Fr. Paul Guoan a very poor risk for any future assignment in pastoral ministry. So where do we go with him when he finishes the course of treatment at Alma?
>
> [App'x PJG#15, Memo from Msgr. Murphy to Bishop Mengeling, dated April 2, 2002.]

By letter dated November 12, 2003, Attorney James Heos, Church Kritselis & Wyble, P.C., notified the diocese that his firm represented John Doe 34 "in the matter of personal injuries he sustained as a result of assault incidences" during 1987 through 1993. (App'x PJG#16, Letter from James Heos to the Diocese of Lansing, dated November 12, 2003.) Diocesan legal counsel advised Heos that he would report the alleged sexual abuse "to the prosecutor on Monday, February 2, 2004, unless you tell me by Friday January 30, 2004, that your client does not wish this matter made known to the public authorities." (App'x PJG#17, Letter from diocesan Legal Counsel to James Heos, dated January 23, 2004.) In a follow-up letter requested by the diocese, Attorney Heos provided details of the alleged sexual abuse perpetrated by Fr. Guoan against John Doe 34 as follows:

> The first encounter that John Doe 34 had with Father G[u]o[a]n was in 1988–1989 when he was in the sixth grade. Mr. John Doe 34 reports that he would attend confession three or four times a year while attending St. Gerard Junior High School through the sixth grade, seventh grade and eighth grade. Further, that following confession Father G[u]o[a]n would have John Doe 34 rub Father G[u]o[a]n's back and, in return, Father G[u]o[a]n would give him massages in the confessional arm, outside the confessional.

> In the 1990–1991 school year, while attending Waverly High School in the ninth grade, Mr. John Doe 34's parents became separated. At that point, Father G[u]o[a]n befriended Mr. John Doe 34 and had Mr. John Doe 34 come to see him at the red Roof Inn motel on West Saginaw, where he would spend the night. At that time, Father G[u]o[a]n had been transferred to, I believe, St. Mary's Church in Clio, Michigan. While seeing Father G[u]o[a]n for alleged counseling because of his parents' separation, Father G[u]o[a]n would have John Doe 34 take off his shirt and pants, as well as Father G[u]o[a]n disrobing himself but both being in underwear, and they would give each other full body massages.
>
> In the calendar years 1992–1993, there was a state bowling tournament among the churches in Flint, Michigan. At that point, Father G[u]o[a]n left the Clio facility, traveled to Flint and went to the hotel where Mr. John Doe 34 was staying during the tournament. At that time, once again during a full body massage, Father G[u]o[a]n took Mr. John Doe 34's hand and placed it on his penis.
>
> Soon after that experience, Father G[u]o[a]n began allegedly attending conferences in Lansing wherein he would always stay at the Red Roof Inn on West Saginaw and would always have time to visit John Doe 34. After taking John Doe 34 out to eat, he would ultimately get John Doe 34 to go back to the Red Roof Inn with him and soon thereafter rubbing escalated into oral sex with Father G[u]o[a]n being the recipient. Additionally, while receiving oral sex from John Doe 34, Father G[u]o[a]n would make digital penetration into John Doe 34's rectum.
>
> Throughout the remainder of John Doe 34's high school career at Waverly High School, Father G[u]o[a]n would attend these alleged conferences and allegedly attempt to help John Doe 34 with the fact that his parents were separated and ultimately were getting divorced. However, ultimately every encounter would result in John Doe 34 accompanying Father G[u]o[a]n back to his hotel room at the Red Roof Inn.
>
> [App'x PJG#18, Letter from James Heos to counsel for the Diocese, dated February 4, 2004, pp 1–2.]

On December 18, 2010, John Doe 34 called the Queen of the Miraculous Medal emergency line and spoke to Fr. Tim MacDonald, during which John Doe 34 alleged that he had been sexually abused by Fr. Guoan when John Doe 34 was in the sixth grade through high school. (App'x PJG#19, Email from Fr. Tim MacDonald, Queen of the Miraculous Medal, to Rowland and Msgr. Steven Raica, dated December 18,

2010.) Five days later, diocesan VAC Adrienne Rowland interviewed John Doe 34 regarding the alleged sexual abuse. (App'x PJG#20, Victim Assistance Coordinator Allegations Record, by Adrienne Rowland, dated December 23, 2010, p 1.)

During the same December 2010 interview, John Doe 34 told Rowland that he did not tell anyone about the alleged sexual abuse until 2001 or 2002, when he told his brother. (*Id.* at 3.) In 2003, he told an attorney about the alleged sexual abuse, and he was advised that the statute of limitations had run. (*Id.*) John Doe 34 alleged that he first met Fr. Guoan when he was a 12-year-old sixth grader at St. Gerard. (*Id.* at 1.) The physical contact between Mr. John Doe 34 and Fr. Guoan during the sixth, seventh, and eighth grades allegedly consisted of rubbing and touching Mr. John Doe 34's chest, areas close to the genitals, and massages while the two were in their underwear. (*Id.* at 1–2.) During these alleged incidents, no touching of the genitals occurred. (*Id.*) However, "Father wanted to take it to another level," meaning "oral sex." (*Id.* at 2.) Fr. Guoan allegedly took John Doe 34's hand and put it "on his genitals over his underwear." (*Id.*)

During the same interview with Rowland in December 2010, John Doe 34 also described an alleged incident that took place at his home:

> John Doe 34 reported an incident when Father Guoan visited him at his house in Lansing when his mother was gone. John Doe 34 stated that "[w]e were laying on the couch watching a movie. My head between his legs when mom came home. I had my shirt off." John Doe 34 reported that he thinks his mother suspected something at that time but there wasn't anything else said.
>
> [*Id.*]

John Doe 34 also told Rowland during the same interview that, when he was 18 or 19 years old, he and Fr. Guoan went to a hotel in Lansing and " 'got naked in the hot tub.' " (*Id.*) That night, John Doe 34 performed fellatio on Fr. Guoan, and Fr. Guoan attempted to perform anal sex on John Doe 34, but John Doe 34 stopped the activity because " 'he was too big.' " (*Id.*) John Doe 34 also told Rowland how the alleged sexual abuse had affected John Doe 34, which Rowland summarized in her report as follows:

> John Doe 34 reported that he started drinking when he was 18 years old and started "having feelings for guys" at that time too. John Doe 34 reported that "alcohol is becoming an issue and I am becoming more violent." John Doe 34 reports that he "talks down to people." John Doe 34 reported that he has been charged with a DUI and a bar fight. John Doe 34 also reports that he has thought about suicide on many occasions though he has never attempted to hurt himself. John Doe 34 reported that "I have been sharpening my knife the last couple of

> nights" but denies any suicidal plans. John Doe 34 reported that he attempted to find Father G[u]oan because he had the intention of finding him and beating him up.
>
> [*Id.* at 4.]

Diocesan leadership believed that John Doe 34 was sexually abused by Fr. Guoan, and, therefore, did not present the matter to the Review Board. (App'x PJG#21, Email from Msgr. Steven Raica to Adrienne Rowland, dated January 6, 2011.) The Diocese thereafter reimbursed John Doe 34 $4,500.00 for therapy expenses and also paid for counseling for John Doe 34 for several years, including paying $50,500.00 for in-patient treatment. (*Id.*; App'x PJG#22, Letter from Msgr. Steven Raica to a physician, dated February 4, 2011, pp 1–2; App'x PJG#23, Letter from Msgr. Steven Raica to John Doe 34, dated February 23, 2011; and App'x PJG#24 Letter, with attached Treatment Agreement, from Msgr. Steven Raica to Matt Hirsch, dated July 27, 2011.) It is unclear from file documents whether the Diocese continued to pay for counseling services for John Doe 34; however, in early 2012, a meeting of the Review Board was scheduled "so they can make some recommendations on how to move forward." (App'x PJG#25, Email from Adrienne Rowland to diocesan legal counsel and Msgr. Steve Raica, dated January 9, 2012.)

In 2018, John Doe 35 alleged that he was sexually molested when he was 16 years old by Fr. Guoan in 1982. (App'x PJG#26, Victim Assistance Coordinator Allegations Record, by Cheryl Williams-Hecksel, LMSW, dated September 5, 2018, pp 1–2.) John Doe 35 alleged that he and his best friend, a nephew of Fr. Guoan's, were invited to see Fr. Guoan at a home in Flushing, Michigan, near St. Robert's Church. (*Id.*) Rowland's successor VAC, Cheryl Williams-Hecksel, interviewed John Doe 35 and summarized his description of the alleged incident as follows:

> John Doe 35 reports that he was given an alcoholic punch, his friend (a relative of G[u]o[a]n) left, he was convinced to stay and not drive as he had been drinking. He was served more punch, he went to sleep in a bedroom with two twin beds, G[u]o[a]n was in the other bed, John Doe 35 woke with Father G[u]o[a]n penetrating him anally from behind. He asked him to stop, was very distraught, G[u]o[a]n consoled him and attempted to pursue more sexual activity. John Doe 35 said he resisted and feigned sleep then left first thing in the morning. He remembers being at his famil[y's] home for 3 consecutive days following this incident, he stayed in bed and claimed he was sick. He told no one of the incident at the time. John Doe 35 told his mother about this about 10 years ago. He is concerned now about making a report to the police as he has a history with the prosecutor['s] office in Genesee County. His concern is for his mother[']s sake should anything be made public. He understands that we report all incidents to law enforcement. [*Id.* at 2.]

As part of this investigation, in 2019, Department Special Agent Lauren Schipani interviewed John Doe 35, and John Doe 35's description of the alleged sexual abuse was consistent with what he had reported to the Diocese of Lansing in 2018, except that he clarified that Fr. Guoan had penetrated his anus "slightly" and not "all the way." (App'x PJG#27, Department of Attorney General, Criminal Division, File No. 2018-0227975-A, dated April 10, 2019, pp 1–2.) John Doe 35 stated that, although the Diocese had referred his allegation to the Genesee County Prosecutor's office, he did not make a formal police report in Flushing. (*Id.* at 2.) John Doe 35 also stated that "he was never given money or counseling services from the Diocese." (*Id.*) From the Department's review of file documents, there was nothing found that indicated John Doe 35 requested any financial or counseling assistance from the Diocese.

On January 17, 2019, diocesan legal counsel contacted the Department to report that John Doe 32 reported to the Diocese apparently in 2019 that Fr. Guoan grabbed his genitals when he was 17 years old. (App'x PJG#28, Department Tip [#35].)

In 2020, John Doe 36 alleged that he was sexually abused by Fr. Guoan in 1992 or 1993 when he was ten years old. The alleged sexual abuse took place at St. Charles & Helena Church in Clio, Michigan. (App'x PJG#29, Department Tip [#31].)

On June 27, 2022, John Doe 37 emailed the Department of Attorney General and alleged that he was sexually molested by Fr. Guoan when he was an altar boy in 1990–1991. On July 1, 2022, the Department's Victim Advocate, Paul Carbini, interviewed John Doe 37 who alleged that, when Fr. Guoan arrived at St. Gerard, John Doe 37 was a fifth-grade altar boy. (App'x PJG#30, Interview with John Doe 37, dated June 27, 2022.) John Doe 37 alleged that Fr. Guoan began to sexually abuse John Doe 37 in 1990 and continued to do so more than 12 times during the following year and a half. (*Id.*) John Doe 37 alleged that the sexual abuse usually occurred just before or just after Mass. (*Id.*) The alleged sexual abuse included Fr. Guoan putting his hand in John Doe 37's pocket and grabbing his penis. (*Id.*) This allegedly escalated into Fr. Guoan putting his hand down John Doe 37's pants and masturbating him to ejaculation. (*Id.*) John Doe 37 also alleged that he walked in on Fr. Guoan masturbating one of John Doe 37's friends in the sacristy. (*Id.*) John Doe 37 stated that "he struggled with self-esteem" in grade school after the alleged sexual abuse and believed the sexual abuse impacted his adult life, contributing to marital issues. (*Id.*)

The Department reviewed all claims for criminal charges but the statute of limitations had run out.

(23) FR. DAVID W. HARVEY

Born: July 14, 1942
Ordained: June 1, 1968
Retired: June 26, 2013

Fr. David W. Harvey was born in Chelsea, Michigan, on July 14, 1942, and was ordained to the priesthood on June 1, 1968, for the Archdiocese of Detroit. (App'x DWH#1, Priest Personnel Data sheet.) Fr. Harvey subsequently went to the Diocese of Lansing in 1971, as a result of diocesan boundary changes. (*Id.*) Fr. Harvey retired to senior priest status on June 26, 2013. (App'x DWH#2 *Tri-County Times*, "It's been a great ride," dated February 15, 2013.)

On November 9, 2016, John Doe 38 alleged that, when he was nine years old in 1978, Fr. Harvey sexually abused him on one occasion prior to Mass at St. John Church in Fenton, Michigan. (App'x DWH#3, Victim Assistance Coordinator Allegations Record, by Cheryl Williams-Hecksel, LMSW, dated November 12, 2016, p 1.) In VAC Williams-Hecksel's report, she summarized John Doe 38's allegations as follows:

> John Doe 38 was 9 years old, he was preparing to attend noon mass with his mom and stepdad, the family sat in the cry room. To the right of the cry room were the priests "chambers[.]" The incident lasted 15 minutes and happened prior to Mass. John Doe 38 reported that the priest asked him if he wanted to be an altar boy and he said yes. Fr. Harvey then took him into his chambers, Harvey smelled of [a]lcohol. "He gave me the outfit and told me to try it on and to not leave my pants on. I went in the other room and tried on the outfit and came back to him. He lifted up my arms and patted my front and back through the clothes to see how it fit. Then he lifted it up and pulled down my Fruit of the Looms and sucked on my penis. It happened for about 30 seconds. He stopped when I pushed him away. I knew it was wrong and told him I didn't want to be an altar boy. I put my clothes back on and went back to be with my parents for Mass. I was embarrassed and didn't say anything."

> He reports that it happened in the fall, probably September. And that because of it "he lost his religion then and didn't get confirmed."
>
> [*Id.*]

In addition, the VAC reported that John Doe 38 suffered from a "mental illness" diagnosed from his mid-30s, i.e., "Schizoaffective and Anxiety Disorder," and that he had a problem of "seeing images and hearing voices for many years," resulting in multiple hospitalizations. (*Id.* at 3.) John Doe 38 also said while he had "regret" that Fr. Harvey would be "found out," would go to prison and suffer mistreat[ment]," nonetheless he had had "homicidal thoughts" about Fr. Harvey, for which the VAC recommended that John Doe 38 contact his psychiatrist or seek other medical help if those reoccurred. (*Id.* at 3, 4.)

By letter dated November 28, 2016, diocesan legal counsel notified the chief assistant prosecuting attorney for Genessee County of John Doe 38's allegation against Fr. Harvey from 38 years earlier. (App'x DWH#4, Letter from diocesan legal counsel to Randall Petrides, Chief Assistant Prosecuting Attorney of Genesee County, dated November 28, 2016.) The counsel for the Diocese noted that their records did not reveal any other allegations against Fr. Harvey. (*Id.*)

On December 30, 2016, John Doe 38 notified Williams-Hecksel that he "pressed charges" against Fr. Harvey. (App'x DWH#5, Email from Cheryl Williams-Hecksel to diocesan legal counsel and Fr. Karl Pung, dated January 3, 2017.) As of January 18, 2017, a detective at the Fenton Police Department was investigating the matter. (App'x DWH#6, Email from diocesan legal counsel to Bishop Earl Boyea, dated January 18, 2017.) That investigation was closed, as the Genesee County Prosecutor's office "determined the statute of limitation[s] had been reached." (App'x DWH#7, MSP Incident Report No. 035-0006539-20, dated October 13, 2020.)

The Diocese of Lansing assigned a private investigator to investigate this allegation, but John Doe 38 ultimately chose not to meet with the investigator. Fr. Harvey denied the allegation. The matter was presented to the diocesan Review Board, but it had insufficient information to determine credibility regarding this allegation.

On October 21, 2020, as part of the Department's investigation, Tpr. Stephen Kingsley of the MSP interviewed John Doe 38, during which time John Doe 38's allegations were at times consistent and at times inconsistent with his 2016 account. Tpr. Kingsley summarized the interview in part as follows:

> John Doe 38 stated the [alleged] incident of abuse occurred at St. John's Catholic Church in Fenton and confirmed the church was on Adelaide St. He estimated he was 9 years old at the time it [allegedly] occurred and further estimated the year to have been around 1978, and possibly on or around Easter. He indicated the [alleged] abuse only occurred one time … .

> John Doe 38 went on to describe how that night, and ever since, he has been plagued with hallucinations and/or visions of demons, giants, and other things that he believes are directly related to the incident of abuse. He told his mother of the event a few years later, but the matter was not dealt with.
>
> [App'x DWH#7, MSP Original Incident Report No. 035-0006539-20, dated October 13, 2020, pp 2–3.]

During the same October 21, 2020, interview, John Doe 38 told Tpr. Kingsley that the former had reported the alleged incident of sexual abuse to the Fenton Police Department in 2016, which the trooper later confirmed and found that report to be "largely consistent" with what John Doe 38 told Tpr. Kingsley. (*Id*. at 3.)

On November 10, 2020, Tpr. Kingsley interviewed Fr. Harvey. (App'x DWH#8, MSP Supplemental Incident Report 0001 No. 035-0006539-20, dated November 10, 2020, p 1.) Fr. Harvey stated that he was stationed at St. John Parish from July 1979 through June 2013. (*Id*.) Fr. Harvey denied John Doe 38's allegations in total and provided the following reasons in support of his denial:

> He would not have asked John Doe 38 to stand-in as an altar boy as John Doe 38 did not have the necessary training and would have had no idea what to do.
>
> Denied asking John Doe 38 to stand in as an altar boy as a means to separate him from his parents and take him to a more private area of the church, as opposed to actually needing an altar boy.
>
> He had no interest in performing fellatio on boys.
>
> His understanding of the allegation was that it took place in the sacristy, which he described as a very busy place before a [M]ass. He continued explaining there would have been no privacy to afford the allegation to have taken place.
>
> Denied knowing John Doe 38, or his parents, citing the large number of families in the congregation.
>
> [*Id*. at 2.]

During the same November 10, 2020, interview, Tpr. Kinglsey asked Fr. Harvey if he would "submit to a polygraph exam to substantiate his claim the allegation was false," to which Fr. Harvey agreed to do, saying he would have "no difficulty passing the exam." (*Id*.) Fr. Harvey also consented to having his cellphone searched. (*Id*.) Fr. Harvey's cellphone was thereafter accessed and forensically analyzed by the MSP Computer Crimes Unit, the results of which did not find any child sexual abusive

material or "any other suspicious activity on the device." (App'x DWH#9, MSP Original Incident Report No. CCU-0003116-20, dated November 9, 2020, pp 1–2.)

On December 1, 2020, legal counsel for Fr. Harvey contacted Tpr. Kinglsey and "notified [that] the polygraph was cancelled as it was his [the attorney's] opinion Harvey had already sufficiently cooperated with this investigation." (App'x DWH#10, MSP Supplemental Incident Report 0003, No. 035-0006539-20, dated December 13, 2020.) On the same day, a private forensic polygrapher, Neil Myres, conducted a polygraph examination of Fr. Harvey asking the following questions with regard to John Doe 38's allegations, and Fr. Harvey's denied the claims:

1. Did your lips every touch that boy's penis?

   A. No.

2. Did you have any sexual contact with that boy as he claims?

   A. No.

[App'x DWH#11, Confidential report of Forensic Polygraph Services, dated December 1, 2020.]

The polygrapher then determined that "it is the opinion of this examiner that Mr. Harvey's lack of consistent physiological reactions to the relevant questions indicates that he was being TRUTHFUL regarding this issue." (*Id.*) On December 14, 2020, the results of this polygraph were sent by Fr. Harvey's attorney to the Michigan State Police. (App'x DWH#12, Email from law office to Trooper Stephen Kingsley, dated December 14, 2020.) On March 3, 2021, the Genesee County Prosecutor's Office again denied a warrant in relation to this claim, "indicating it was declined reference [sic] the statute of limitations being exceeded." (App'x DWH#13, MSP Supplemental Incident Report 0005, No. 035-0006539-20, dated March 15, 2021.)

A review of the Diocese of Lansing website does not indicate that Fr. Harvey has had a pastoral assignment since he retired to senior priest status in 2013.[28]

[28] https://www.dioceseoflansing.org/news/2013-pastoral-appointments (last accessed December 12, 2024).

(24) FR. FRANKLIN DENNIS HAY

Born: April 10, 1901
Ordained: March 25, 1928
Retired: July 1, 1976
Died: July 25, 1986

Fr. Franklin Dennis Hay was born on April 10, 1901, in Detroit, Michigan, and was ordained to the priesthood on March 25, 1928, in Detroit, for the Archdiocese of Detroit. (App'x FDH#1, Biographical Record of Hay, Dennis Franklin.) Fr. Hay incardinated into the Diocese of Lansing on August 4, 1937. (*Id.*) He retired on July 1, 1976, and passed away on July 25, 1986. (*Id.*.)

On December 18, 2006, John Doe 39 wrote a letter to the Moderator of the Curia of the Diocese of Lansing and alleged that, in the early 1960s, when he was an altar boy at St. Mary Church in Durand, Fr. Hay sexually abused him. (App'x FDH#2, Letter from John Doe 39 to Moderator of the Curia, dated December 18, 2006, p 1.) Specifically, he alleged that Fr. Hay pulled down John Doe 39's pants and fondled his "bottom," and, on his birthday, Fr. Hay "poked my bottom with a needle." (*Id.*) John Doe 39 wrote that he could not remember how many times he was assaulted by Fr. Hay, "but it did occur." (*Id.*) He also alleged that Fr. Hay poked his brother, John Doe 39B, and alluded that it occurred to other altar boys as well. (*Id.* at 2.)

In his December 2006 letter, John Doe 39 wrote that the alleged sexual abuse had affected, and continues to affect, his life "in such enormous ways." (*Id.*) He requested that the Diocese provide him "financial restitution for all the counseling and years of struggle." (*Id.*)

On December 21, 2006, Msgr. Michael Murphy called John Doe 39 and apologized for "the alleged incident" and explained the process of speaking with members of the Diocesan Review Board regarding his allegation. (App'x FDH#3, Memo to the file: John Doe 39, by Msgr. Murphy, dated December 21, 2006.) As an out-of-state resident, John Doe 39 agreed to travel to Lansing to meet with the Review Board, and Msgr. Murphy stated that the Diocese would reimburse John Doe 39 for his travel expenses. (*Id.*)

On February 26, 2007, the Review Board met with John Doe 39 and rendered a determination and recommendation to Bishop Carl Mengeling during the summer of 2007. (App'x FDH#4, Undated Report of the Lansing Diocesan Review Board, signed by the Chair of the Review Board, pp 1–2.) The Review Board determined that there was not enough evidence to determine that Fr. Hay sexually abused John Doe 39 and did not believe the allegations warranted further investigation given that Fr. Hayes had died more than 25 years earlier. (*Id.* at 2.) However, the Review Board recommended that the Diocese offer John Doe 39 and his wife

counseling as a charitable act and "not because we believe there is any credible evidence behind the allegations which Mr. John Doe 39 has made." (*Id.*)

By letter dated August 3, 2007, Msgr. Murphy informed John Doe 39 that the Diocese "would like to explore with you the possibility of offering some counseling assistance." (App'x FDH#5, Letter from Monsignor Michael Murphy, Moderator of the Curia, to John Doe 39, dated August 3, 2007.) Msgr. Murphy also enclosed a check in the amount of $300.00 to cover the John Doe 39s' travel expenses to Lansing. (*Id.*)

There are no other allegations contained within the Fr. Hay file.

(25) FR. TERRENCE M. HEALY
(ON DIOCESE OF LANSING AND DIOCESE OF MARQUETTE CREDIBLY-ACCUSED CLERGY LISTS AND THE BISHOP ACCOUNTABILITY SITE.)

Born: February 23, 1940
Ordained: June 1, 1968
Incardinated into Diocese of Lansing: June 3, 1985
Removed From Ministry: September 3, 1987
Convicted of Second-Degree, Criminal Sexual Conduct: December 1987
Laicized: June 12, 1992
Died: January 1, 2019

The former Fr. Terrence M. Healy was born on February 23, 1940, in Milwaukee, Wisconsin, and was ordained to the priesthood on June 1, 1968, for the Diocese of Marquette. (App'x TMH#1, Biographical Record of Fr. Terrence Healy; App'x TMH#2, *Votum* letter from Bishop Kenneth Povish to Cardinal Eduardo Martinez Somalo, Congregation for Divine Worship and the Discipline of the Sacraments, dated April 15, 1992 at 1; and App'x TMH#3, Brief by Fr. James Murray, dated April 15, 1992, p 1.) The then Fr. Healy incardinated into the Diocese of Lansing on June 3, 1985, after working in the secular sector for three years to pay off personal debt. (*Id.*) Prior to his incardination, Fr. Healy ministered in the Lansing Diocese, with the permission of his ordinary, at Holy Family Parish in Grand Blanc, Michigan; St. Francis of Assisi Parish in Ann Arbor, Michigan; and St. Joseph Parish in St. Johns, Michigan. (*Id.*)

In the mid-1970s, while ministering in the Marquette diocese Fr. Healy had opened a foster home for boys. (App'x TMH#2, Letter dated May 18, 1976 of Gallagher Bassett.) Officials within the Diocese of Marquette recognized that Fr. Healy went into a substantial amount of personal debt to open and maintain this foster home, which initially was not affiliated with the Church. (App'x TMH#3, Memorandum dated January 28, 1977, to Bishop Charles Salatka.) Moreover, Bishop Charles Salatka of Marquette expressed "surprise at Fr. Healy's ministry with foster children given the fact that he was not to be engaged in that type of work." (App'x TMH#4, Memorandum dated February 29, 1988, to Chancellor Fr. John Shiverski.) "On November 21, 1977, Bishop Salatka issued a memorandum regarding a conversation with a psychologist from the House of Affirmation, recommending in-patient treatment for Fr. Healy because, among other things, he was " 'very lonely,' 'insecure,' and 'sexually immature.' " (*Id.*)

No alleged sexual activity by Fr. Healy in the Marquette diocese was noted until 1987 on the documents the Department seized from the Diocese of Marquette during this investigation. (App'x TMH#5, *Detroit Free Press* article dated September 26, 1987, Attorney General Report for the Diocese of Marquette, dated October 27, 2022, p 46.) From the documents seized from the Diocese of Lansing, diocesan leadership represented to the Congregation for Divine Worship and the Discipline of

the Sacraments that Fr. Healy's previous "sexual activity" (while serving in the Marquette diocese) was unknown to anyone in the Lansing Diocese at the time of Fr. Healy's incardination. (App'x TMH#3, Brief by Fr. James Murray, dated April 15, 1992, p 1.) It is unclear when the Lansing Diocese learned of the previous allegation or the source of the allegation.

In a document dated February 4, 1981, John Doe 40 wrote to Diocese of Lansing Bishop Povish to bring an incident that allegedly occurred the previous fall to the bishop's attention. (App'x TMH#6, Letter from John Doe 40 to Bishop Kenneth Povish, dated February 4, 1981.) John Doe 40 wrote:

> During a meeting with an assistant parish priest he proceeded to get overly affectionate with me. The parish I speak of is Holy Family in Grand Blanc and the priest is Fr. Terry Healy.
>
> [*Id.*]

In that same letter, John Doe 40 also wrote that "Fr. Healy is very active with the teens of the parish which makes his behavior with me even more alarming." (*Id.*) John Doe 40 believed that, by informing the bishop of the incident, he fulfilled his "obligation to God for removing me from a frightening situation." (*Id.*)

There is no other mention of the incident about which John Doe 40 wrote or any specific details of what the alleged incident entailed.

On August 26, 1987, Witness 65 met with Bishop Povish and alleged that, for more than one and one-half years, Fr. Healy had been involved with her 19-year-old son (at the time of reporting) and two other boys from Holy Family Parish in Ovid. (App'x TMH#7, Memorandum of Bishop Kenneth Povish Re: Father Terrence Healy, dated September 14, 1987, p 1.) In his memorandum, Bishop Povish summarized Witness 65's allegations as follows:

> Fr. Healy had boys stay overnight at the rectory in Ovid, sleeping with him in the same bed. She makes much of the fact that his bedroom door has a dead-bolt lock. He buys certain boys gifts and takes them out on trips and for treats. Her son John Doe 31 has described to her the extent of Fr. Healy's indiscretions: stripping, touches, fondling, petting but not mutual masturbation or, in her words, "going all the way the way those people do." The boys in Fr. Healy's life have been in a series of three, her son being the first and the oldest, the others now 18 and 15, ages 17 and 14 when the offenses occurred. She told the other parents on Aug. 23, and this was the first shocking knowledge they had of these events. Fr. Healy is friendly with all these families, visits their homes, had a good ministry in Ovid and was well thought of by all parishioners. He is now out of town (I.e., Hartland) conducting a wedding in his family in Wisconsin.
>
> [*Id.*]

In August 1987, four days after Bishop Povish met with Witness 65, he discussed her allegations with Fr. Healy, and Fr. Healy admitted that they were true. (*Id.*) Bishop Povish summarized that discussion as follows:

> Fr. Healy called in at 1:30 pm. He had been in touch with Ovid people since his return from Wisconsin. When I told him I didn't know how to begin this interview, he said, "let me begin." He admitted all Witness 65 had alleged. He said these are good, honest people and I can believe anything they say to be true. They would never accuse him falsely. The other boys are John Doe 41 and John Doe 42. He has been seeing a counselor from Guest House, now realizes that he has to keep boys out of the rectory, is determined to do this, will ask Dave Harvey to hold him accountable a la parole officer to whom he will report regularly. I told him this will not be enough in the light of the steps recommended by the NCCB and then diocesan attorneys in matters of this kind. I will see him again soon.
>
> [*Id.*]

Bishop Povish spoke to Fr. Healy again on September 3, 1987, during which time the bishop advised the latter that he must leave his pastorate at St. John Parish in Heartland, be placed on paid executive leave, and undergo a psychological evaluation. (*Id.* at 2.) Fr. Murray scheduled the psychological evaluation for Fr. Healy to be conducted on September 14, 1987. (*Id.*)

On September 4, 1987, Witnesses 66, parents of John Doe 41, together with the parents of John Doe 42, met with Bishop Povish and told the bishop that they did not hate Fr. Healy, but rather were "anxious that he get help." (*Id.*) Bishop Povish wrote the following about the meeting:

> Other families in the Ovid parish noticed Fr. Healy's attachment to certain boys, know that boys stayed overnight at the rectory. The husbands are angrier at the priest (John Doe 41 not a Catholic) than the wives are. Fr. Healy told the boys that what they did with him was all right, nothing to worry about. John Doe 41 is disgusted with Terry Healy and rejected him before being replaced in Healy's affections by the younger John Doe 42 . . .. He now worries whether he is homosexual; the other two do not. Offer was made for psychological help for John Doe 42 and called [a physician] that same afternoon to alert him to expect an appointment for the John Doe 42 and possibly the John Doe 41 boy at the same time.
>
> [*Id.*]

On September 5, 1987, in three separate letters, Bishop Povish wrote to the parents of John Doe 42B, John Doe 41, and John Doe 42 and advised that Fr. Healy had been placed on administrative leave on that day. (App'x TMH#8, Letter from

Bishop Kenneth Povish to Witness 65, dated September 5, 1987; App'x TMH#9, Letter from Bishop Povish to Witnesses 66, dated September 5, 1987; and App'x TMH#10, Letter from Bishop Povish to Witnesses 68, September 5, 1987.) The bishop also thanked each set of parents for their "Christian charity" and for meeting with him and informing him of their "very serious concerns" and offered to pay for counseling for all three boys. (*Id.*)

On September 15, 1987, the parents of one of the boys sought criminal charges against Fr. Healy, and an arrest warrant was issued in Livingston County, charging Fr. Healy with four counts of second-degree, criminal sexual conduct with a 15-year-old boy. (App'x TMH#3, Brief by Fr. James Murray, dated April 15, 1992, p 2, App'x TMH#11, *The Livingston County Press*, September 23, 1987.) Fr. Healy was arraigned in the 53rd District Court on September 18, 1987. (*Id.*)

By letter dated September 30, 1987, Bishop Povish confirmed the substance of a telephone conversation he had with Witnesses 69.

> I want to apologize, in the name of the diocese and its priests, for the behavior of Father Terrence Healy while he was your pastor in Ovid during 1986–87. Particularly, I am sorry for any psychological or spiritual harm done to your son [ ]by Father Healy's abuse of his position of trust among you.
>
> Let me repeat that if, in your opinion, or in the opinion of others whom you trust, your son should be in need of any professional counseling in connection with this experience, the diocese shall be ready to arrange and/or pay for it. Please contact me by mail at the address given here, or by phone [ ].
>
> With the permission of the court, Father Healy is being tested and evaluated at this time at the St. Luke Institute, Washington D.C. Decisions as to his future will depend upon many factors; but it is evident that he cannot serve as a priest in this diocese, or in Michigan, or possibly anywhere else.
>
> [App'x TMH#12, Letter from Bishop Povish to Witnesses 69, dated September 30, 1987.]

On November 3, 1987, in separate letters, Bishop Povish wrote the following to Witnesses 66, Witnesses 68, and Witnesses 69:

> This is the first of the reports I promised you on the developments with Father Terrence Healy.
>
> Upon his departure from the Hartland parish on September 5, Father Healy took up residence with his seminary classmate, Father Arthus Baranowski, at St. Hugh's rectory in Southgate, Wayne County. His

status is that of priest on administrative leave, with pay. Technically he is still pastor of St. John's of Hartland (lest he appear as prejudged by us before the civil court), although he has been ordered to remain away from the parish. Father Healy may not perform public priestly functions anywhere, although he is allowed to celebrate Mass privately.

From September 28 to October 10, Father was at the St. Luke Institute in Suitland, Maryland, a suburb of Washington D.C., for a comprehensive psychological and physical assessment process. This was done with the permission of the court, and since October 10 I have shared with the prosecutor the six-page report from St. Luke's. The content of the report is, of course, confidential; but I can say that institutional treatment was recommended and Father Healy is receptive to this.

St. Luke's facility has no openings until the latter part of this month. In the meantime, the prosecutor determined last week that Terry must stand trial and that he will ask the court to supervise whatever treatment he receives. This seems to mean that treatment cannot start in November, and a lot of negotiating is going on between [sic.] Terry's lawyer, the prosecutor's office, this office and St. Luke Institute. The prosecutor has the strongest hand, and I think whatever he wants is going to be what comes to pass.

Father Healy is doing a little volunteer physical work around his host parish. He attends 'Sexaholics Anonymous' meeting[s] three times a week. He seems to have much better insight now into his problem.

I have heard from [a physician] that 'some of the Ovid people' have used his [counseling] services. I invite you again, and especially your son, to seek counseling if the sad experience with Father Healy is a source of anger or anxiety.

May the Lord's blessing be upon your hearts and home.

[App'x TMH#13, Letter from Bishop Povish to Mr. and Witnesses 66, dated November 3, 1987, pp 1–2; App'x TMH#14, Letter from Bishop Povish to Witnesses 68, dated November 3, 1987, pp 1–2; App'x TMH#15, Letter from Bishop Povish to Witnesses 65, dated November 3, 1987, pp 1–2; and App'x TMH#16, Letter from Bishop Povish to Witnesses 69, dated November 3, 1987, pp 1–2.]

On February 9, 1988, Bishop Povish wrote to Fr. Healy, who was then in residential treatment at the St. Luke Institute, and advised that the Priests' Assignment Commission and Bishop Povish believed that it was "unrealistic" that Fr. Healy

could resume ministry in Michigan. (App'x TMH#17, Unsigned letter from Bishop Povish to Fr. Terrence Healy, dated February 9, 1988, p 1.) However, the bishop did write that he would help Fr. Healy obtain an assignment in "Milwaukee or a neighboring Wisconsin diocese." (*Id*.)

On February 22, 1988, Bishop Povish again wrote status letters to the parents of Fr. Healy's alleged victims, advising that Fr. Healy was "making good progress" at the St. Luke Institute and would be discharged in July, 1988, to return for his sentencing hearing in Livingston County. (App'x TMH#18, Letter from Bishop Povish to Witnesses 66, dated February 22, 1988; App'x TMH#19, Letter from Bishop Povish to Witnesses 68, dated February 22, 1988; App'x TMH#20, Letter from Bishop Povish to Witnesses 65, dated February 22, 1988; and App'x TMH#21, Letter from Bishop Povish to Witnesses 69, dated February 22, 1988.)

By letters dated May 23, 1988, Bishop Povish again wrote the four sets of parents:

> It is about time for a report on Father Healy, since I promised that I would keep you informed about what happens to him.
>
> He is nearing the end of the resident therapy program in Suitland, Maryland, a suburb of Washington D.C., where he started in December. The treatment has been very difficult; and the counselors are not entirely satisfied with his progress, even though they believe he has come a long way. As part of the program, I will be going to Suitland for a day (June 3rd) in order to hear first-hand their analysis.
>
> Father Terry's court date in Howell is July 11th. He has hopes for a lengthy and strict probation, but what I hear from the lawyers a prison sentence is more likely. Livingston County is especially sensitive to cases like this, it is election year for the prosecuting attorney, etc. Terry hopes for a chance to do some sort of church work if he is put on probation, but that cannot be in Michigan. And indeed I doubt whether any other bishop elsewhere will put him to work, unless perchance he gets a high recommendation from the St. Luke Institute and he were to be chaplain to an institution for the elderly, a hospital, or some such, with close supervision.
>
> I invite your prayers for his welfare even as I continue to remember you and your families in mine.
>
> [App'x TMH#22, Letter from Bishop Povish to Witnesses 66, dated May 23, 1988; App'x TMH#23, Letter from Bishop Povish to Witnesses 68, dated May 23, 1988; App'x TMH#24, Letter from Bishop Povish to Witnesses 65, dated May 23, 1988; App'x TMH#25, Letter from Bishop Povish to Witnesses 69, dated May 23, 1988.]

On July 12, 1988, Bishop Povish wrote his last status letters to the parents of the boys alleged to have been sexually abused by Fr. Healy, advising that Fr. Healy was sentenced to three years of prison on July 11, 1988. (App'x TMH#26, Letter from Bishop Povish to Witnesses 66, dated July 12, 1988; App'x TMH#27, Letter from Bishop Povish to Witnesses 68, dated July 12, 1988; App'x TMH#28, Letter from Bishop Povish to Mr. and Witness 65, dated July 12, 1988; and App'x TMH#29, Letter from Bishop Povish to Witnesses 69 dated July 12, 1988.) Bishop Povish also wrote that, under the sentencing guidelines, Fr. Healy received the maximum sentence. (*Id.*) He also wrote that he "was present for the sentencing and thought the lawyer's pleas, the prosecutor's advice and the judge's rationale were all fair and objective." (*Id*).

On February 26, 1992, after Fr. Healy was paroled, he wrote the following letter to Bishop Povish, asking for the latter to help him with laicization and admitting that 19 victims suffered as a result of his sexual addiction:

> Dear Bishop Povish,
>
> I have decided that I cannot live as a catholic priest and be celibate. It is necessary then that I be laicized as soon as possible.
>
> I currently have another ten months left of my two year parole after having served twenty-nine months of a 3–15 year prison sentence for a conviction of 2nd degree criminal sexual conduct with a teenage male.
>
> My first 18 years in the priesthood were scarred by a total of 19 such victims of what I now know as my sexual addiction. The harm I have done to these young people, their families and the Church cannot be fathomed in its extent.
>
> You have access to all records of my ordination dates and parish assignments as well as court records and counseling report. I ask you to use these to further substantiate my need for the above request.
>
> I deeply love the Church and cannot risk any further harm to her or others if I were to again try to be celibate.
>
> Thru all this there have been many blessings in my life and much needed healing and recovery. I am and have been in love with a wonderful lady for the last 1-1/2 years. In December of 1991 I asked her to marry me and to my great joy she has accepted my proposal. I seek also then the opportunity to have our marriage bless[ed] by the Church.

> I never knew that someone could love me as deeply as the love I now experience each day. Nor did I know that I could love anyone as much as I love her. The word commitment is now alive in me.
>
> Much more can be said but nothing can be added to the truthfulness of the above. Please help me to live a life in the state of grace and enable me to receive the gift of saving my immortal soul.
>
> [App'x TMH#30, Letter from Terrence Michael Healy to Bishop Povish, dated February 26, 1992.]

On June 12, 1992, Fr. Healy was laicized. (App'x TMH#31, Congregation for Divine Worship and the Discipline of the Sacraments, Prot. N. 166/92/S, Terrence Michael Healy, priest of the Diocese of Lansing, dated June, 12 1992.) The then Mr. Healy was notified of the rescript's execution on July 31, 1992. (App'x TMH#32, Notification of Petitioner, Case: Terrence Michael Healy; Prot. 166/92/S, dated July 31, 1992.)

On December 10, 1998, in a three-page handwritten letter, John Doe 42 – one of the boys whose parents met with Bishop Povish after Witness 65 told them about the alleged abuse by the then Fr. Healy – wrote to Bishop Carl Mengeling, Bishop Povish's successor, seemingly the first such direct contact by John Doe 42, asking for "undying mercy" and "to help put my life in order." (App'x TMH#33, Letter from John Doe 42 to Bishop Mengeling, dated December 10, 1998, pp 1, 3.) In his letter, John Doe 42 wrote that his life was "a hell on earth" and wanted the bishop to know the following details of the alleged abuse he suffered and thought about daily:

1. I can still see the look in his eyes when my parents dropped me off at the rectory.

2. Being abused while he talked to my mother on the phone.

3. Picking me up from school early, leaving the parking lot and undressing me so fast. He would make me lay down in the car and not let me get up.

4. Making me take showers with him.

5. He would abuse me in the confessional room. I have the most nightmares of this.

6. During mass the looks he gave me, I knew I was to keep quiet.

7. Being abused in public places, golf course, in the church when people were there.

8. He would make me lay in bed all day and would not let me get up. Sometimes when his secretary was in the basement.

9. He constantly told me it was normal.

10. He always asked me what I would say if my parents found out.

11. He would squeeze my arms and neck excessively, letting me know who was in charge. This in turn scared me, that I thought he would hurt me.

12. He would always ask me "are you ready."

13. Many times there were other boys there, and I was always designated to go.

[*Id.* at 1–2.]

In the same letter, John Doe 42 wrote that he was dealing with the following challenges:

1. Low self esteem

2. Trust of anyone

3. My faith, very hard to walk into our parish

4. I have no humor

5. Hard to smile

6. Hard to love, or to have someone love me

7. True freedom

8. Always looking over my shoulder

9. Not always following thru

10. No concern of others, or myself

11. Stress mentally and physically

12. Hard to concentrate, job, starring [sic.] off like I'm in a trance.

13. The very hardest part of all of this, I felt so ashamed, I tried suicide, I put a gun to my head.

[*Id.* at 2–3.]

In the concluding paragraph of his letter, John Doe 42 asked the bishop for a "tithing of mercy" and wrote that he believed he was "entitled to a financial start for the hell I have gone thru and the hell that haunts me." (*Id.* at 3.) He wrote: "I am financially burdened, I need desperately to find harmony with my heart and soul, to reach a balance in my life." (*Id.*)

On December 17, 1998, seven days after the date of John Doe 42's letter to Bishop Mengeling, John Doe 42 signed a confidential Release in consideration for the sum of $100,000.00. (App'x TMH#34, Release, signed by John Doe 42 and witnessed by Msgr. Michael Murphy, Msgr. Steven Raica, and Notary Public, dated December 17, 1998, pp 1–3.) In exchange for the amount of $100,000.00, John Doe 42 unconditionally released the Diocese of Lansing and Holy Family Parish, and their affiliates and successors, "from any, every and all claims, damages, suits, [and] causes of actions[.]" (*Id.* at 1–2.) Although the release states that John Doe 42 asserted claims against the Lansing Diocese that arose out of the "certain alleged conduct of Reverend Terrence Healy which occurred while the Undersigned [John Doe 42] was a minor," Terrence Healy was not a named releasee. (*Id.* at 1.)

In September 2010, the Archdiocese of Detroit referred an allegation it received from Witness 70 "Fr. Healy" to the Diocese of Lansing because the alleged sexual abuse occurred at St. Patrick Parish in Ann Arbor and/or St. John the Baptist Church in Heartland, Michigan, both located within the Lansing Diocese. (App'x TMH#35, Archdiocese of Detroit Allegation Intake Form, by Marge Huggard, dated September 28, 2010, pp 1–2) Specifically, Witness 70 believed that, at some time when her family attended St. John from 1963 to 1976, her son, John Doe 43, was sexually abused by Fr. Healy or saw Fr. Healy sexually abuse another person. (*Id.* at 1.) Because Fr. Healy was not at St. John the Baptist until 1987, when John Doe 43 would have been 27 years old, "this would not appear to be a situation involving child sexual abuse of her son by Father Healy." (App'x TMH#37, Email from diocesan legal counsel to the attorney for the Archdiocese of Detroit, dated October 13, 2010.) Likewise, the Archdiocese of Detroit had a Fr. J. Leo Healy, but there was no record of him having served at St. Patrick or St. John the Baptist. (App'x TMH#38, Letter from attorney for the Archdiocese to Diocese of Lansing legal counsel, dated September 29, 2010.)

In a handwritten letter signed and dated on November 8, 2010, and re-signed and notarized on January 12, 2011, devoid of salutation and addressee, John Doe 41 wrote:

> I John Doe 41 was sexually molested by Father Terry Healy at Ovid church for 2 years. I was forced to have sex with him and other boys on a weekly basis. I was sodomize[d] multiple times by father Healy and other boys in front of him. I had to perform oral sex and would hold my head until [sic.] he ejaculated. I [illegible] in fear he would

> hurt my little brother if I didn't do what he said. I know he did this at another church with other boys.
>
> I had to wash his penis in the shower after every time. He would make me masterbate [sic.] in front of him while we drove in his car.
>
> All I've told you was for 2 years of my life.
>
> [App'x TMH#39, Handwritten letter signed by John Doe 41, dated November 8, 2010, re-signed, and notarized on January 12, 2011.]

On what appears to be a second page to the November 8, 2010, letter, although separately signed and dated on November 8, 2010, by John Doe 41, he requested the sum of $100,000.00 "for what has happened to me." (App'x TMH#40, Handwritten letter by John Doe 41, dated November 8, 2010.) On January 12, 2011, John Doe 41 executed a Settlement Agreement and Full Release for the sum of $100,000.00, payable by the Diocese of Lansing in four installments. (App'x TMH#41, Settlement Agreement and Full Release, signed and dated by John Doe 41, dated January 12, 2011, pp 1–7.) The principal releasees were the Catholic Diocese of Lansing and Terrence Healy. (*Id.* at 1.)

On March 8, 2011, Diocese of Lansing VAC Adrienne Rowland interviewed John Doe 44, who alleged that he was sexually abused by Fr. Healy several times "over the course of a year," when he was 13 or 14 years old and serving as an altar boy at Holy Family Church in Grand Blanc, Michigan. (App'x TMH#42, Victim Assistance Coordinator Allegation Record by Adrienne Rowland, dated March 8, 2011, pp 1–2.) Although the year in which the alleged sexual abuse occurred was not memorialized in Rowland's report, given that John Doe 44 was born in 1966, he would have been 13-to-14 years old in 1979 to 1980. (*Id.* at 1.) In her report, Rowland wrote the following:

> John Doe 44 reports that the abuse occurred several times over the period of a year. John Doe 44 was an altar boy and responsible for opening the church and setting up the bingo hall. John Doe 44 states that Father Bush was the priest originally when John Doe 44 began as an altar boy and Father Hea[ly] came later to work in youth ministry. John Doe 44 reports that Hea[ly] also worked at a car lot so he had fancy cars. He befriended a lot of boys. Hea[ly] reportedly lived in an upstairs apartment of one of the parish owned homes. Hea[ly] would take the boys there to watch TV. John Doe 44 states that Hea[ly] would occasionally drink beer and allow the boys to drink beer if they wanted to. John Doe 44 reports that Hea[ly] would get the boys comfortable and massage their backs with a massager. John Doe 44 reports that Hea[ly] would use lotion that he warmed up under hot water in the sink. John Doe 44 reported that "he touched me, I was

> humiliated by it and it went on and on all the time." John Doe 44 states that Hea[ly] would "pick me up at my parents house and we would go for a ride and he would touch me in the car." John Doe 44 reported that Hea[ly] would have John Doe 44 touch him with the lotion on his body and his privates. John Doe 44 states he would also spend the night with Hea[ly]. John Doe 44 reports that Hea[ly] would have him remove his clothes, touch him with his hand, rub hot lotion on his body and his privates. John Doe 44 also reports that Hea[ly] performed oral sex on John Doe 44 and would have John Doe 44 touch Hea[ly]'s privates while aroused until he had an orgasm. John Doe 44 reports that Hea[ly] also kissed him on the mouth but John Doe 44 never performed oral sex on Hea[ly]. John Doe 44 reports that Hea[ly] never seemed drunk.
>
> [*Id.*]

On March 10, 2011, the Diocese of Lansing offered to set up a meeting for John Doe 44 to meet with the Review Board and Bishop Boyea and to "cover all costs incurred in your travel . . . to Lansing to have this meeting including airfare, meals, [and] accommodations." (App'x TMH#43, Email from Adrienne Rowland to John Doe 44, dated March 10, 2011.) The Diocese also offered "to pay for any mental health treatment that is needed on your behalf." (*Id.*) Rowland also informed Doe 44 that the diocesan attorney would report John Doe 44's allegation to the Genesee County Prosecuting Attorney. (*Id.*) In a letter dated March 11, 2011, diocesan legal counsel reported the allegation to Randall Petrides, chief assistant prosecuting attorney of Genesee County, and Petrides wrote to John Doe 44 by letter dated April 9, 2011, to advise of his receipt of diocesan legal counsel's letter reporting the allegation and also directing John Doe 44 to contact the appropriate police agency having jurisdiction where the alleged sexual abuse occurred, if he wished to pursue a criminal complaint. (App'x TMH#44, Letter from Randall Petrides, Chief Assistant Prosecuting Attorney in Genesee County, to John Doe 44, dated April 19, 2011; App'x TMH#45, Letter from Randall Petrides, Chief Assistant Prosecuting Attorney, to diocesan legal counsel, dated August 8, 2012.)

In June of 2012, John Doe 44 met with Bishop Earl Boyea. (App'x TMH#46, Letter from Bishop Earl Boyea to John Doe 44, dated June 29, 2012.) John Doe 44's parents participated in the meeting via telephone conference. (*Id.*) Subsequently, Bishop Boyea wrote to John Doe 44, thanking him for his "courage in coming to Lansing to visit with me and for sharing your heart-rending story." (*Id.*) Bishop Boyea apologized "for the awful sin and crime which Terry Hea[ly] inflicted on you" and "for not being as helpful as you would have liked." (*Id.*) The bishop also stated that the Diocese would continue to provide counseling "as a way to bring about some kind of healing." (*Id.*)

On December 15, 2011, John Doe 45 called Holy Family School in Grand Blanc, Michigan, requesting a list of alumni from 1981–1984. (App'x TMH#47, Memo from Sally Ellis to Bishop Boyea, Msgr. Steve Raica, and diocesan legal counsel, dated December 16, 2011, p 1.) John Doe 45 was a student at Holy Family from 1981 through 1985 . . . (*Id.*) The school principal during the years in question and a then-current school helper, returned John Doe 45' call, and John Doe 45 told him that "there was extensive sexual abuse at that time and the abuser was Father Terrence Healy." (*Id.*) The former principal advised John Doe 45 to report the sexual abuse to the Diocese and that he could contact the diocesan attorney as well. (*Id.*) John Doe 45 alleged that "the abuse was reported to [a priest], who did nothing about it[.]" (*Id.*)

On July 5, 2012, John Doe 46, John Doe 45's brother, called the principal at his home and alleged that the then Fr. Healy abused him in the church and in the rectory when he was in the second grade at Holy Family School. (App'x TMH#49, Memo from the former principal to Msgr. Raica, Adrienne Rowland, and diocesan legal counsel, dated July 10, 2012, p 1.) John Doe 46 further alleged that he had gone to principal's office and reported the sexual abuse, and the latter "did nothing about it." (*Id.*) The principal told John Doe 45 that John Doe 45 never reported any sexual abuse to him. (*Id.*) John Doe 45 wanted the former principal to admit that John Doe 45 reported the sexual abuse to him, and he did nothing about it. (*Id.*) John Doe 45 also stated that he had also reported the sexual abuse to a priest, who was pastor of the parish, during confession, and that he told John Doe 45 that the act he described was a sin, which he interpreted to mean that the priest told John Doe 45 that he was the one who committed the sin. (*Id.*)

According to the former principal's research (that he reported in the above-referenced July 10, 2012, memorandum to diocesan officials), John Doe 46 was in the second grade at Holy Family School during the 1983–1984 school year, and Terrence Healy left Holy Family Parish in June of 1983. (*Id.* at 2.) When Terrence Healy was at Holy Family, he did not live in the rectory, but rather "in a second floor apartment owned by the parish on the northeast side of the church property." (*Id.*) With regard to John Doe 46's allegation that he reported the sexual abuse to a priest during his first confession, when he would have been eight or nine years old, that priest also left Holy Family Parish in June of 1983, and John Doe 45 would not have had his first confession until the spring of 1984. (*Id.*)

In a memorandum to file, dated July 17, 2012, Msgr. Raica summarized the substance of a telephone conversation he had with the then Mr. Terrence Healy regarding the latter's work history after he left the Diocese of Marquette, as follows:

> He was ordained in 1968 and left Marquette in 1977. Bishop Salatka sent him to a Boston treatment center for incidents he had had with young adults. Shortly after he left for treatment, Bishop Salatka was assigned to Oklahoma City. Fr. Strelich was the diocesan

administrator at the time. Terry had mounting bills. He asked Fr. Strelich, the administrator for help. Fr. Strelich told him there was no money to help but he would release Terry to get a job to pay off past debts and give him a letter as a "priest in good standing."

He came to the Flint area after working in Florida for Ross Furniture. He was sent to the store in Grand Blanc to manage the store for a time. After that, he worked for a couple different auto dealers – Al Serra Chevrolet (Grand Blanc) and Ferguson? Ford (Fenton). He lived in a couple different houses. While there he gave his name to a priest who was helping Fr. Bush in Grand Blanc. Fr. Bush contacted him to help out at the parish and assigned him to CCD in 1979. He was helping out at the parish working for stipends and whatever Fr. Bush would give him. He also brought him to live in various places owned by the parish – a couple different houses in the area, a house on the property and the building where there was an apartment upstairs and the K of C downstairs (located on the NE corner).

Terry did not become known to the diocese until later – after he began to help out at Holy Family, Grand Blanc. He recalls meeting Bishop Povish in the early 80s. Bishop Povish then assigned him as associate pastor in December 1982 and Father left the parish in June 1983. He was incardinated in 1985 after a couple more assignments.

I again asked him about two allegations:

John Doe 44 – yes

John Doe 45 – no

Terry admits his youngest victim was 14 years of age. According to Terry, his incarceration took into account all his victims. Terry Sheehan was his attorney.

[App'x TMH#50, Memo to File, by Msgr. Steven Raica, dated July 17, 2012.]

By letter dated September 11, 2018, John Doe 47 wrote to Bishop Boyea "to share a repressed memory that returned" a few weeks prior of sexual abuse that he allegedly suffered when he was "a youth and a parishioner at Holy Family, Grand Blanc." (App'x TMH#51, Letter of John Doe 47 to Bishop Boyea, dated September 11, 2018, p 1.) In a follow-up letter written to the bishop, at the bishop's request, John Doe 47 wrote that the then Fr. Healy sexually abused him between John Doe 47's eighth- and ninth-grade year of school. (App'x TMH#52, Email and attached letter from John Doe 47 to Bishop Boyea, dated September 18, 2018.) Specifically, Fr. Healy allegedly invited him into his apartment, led him to the bedroom, ordered

him to strip, and then ordered John Doe 47 to masturbate the priest while the two of them were in his bed. (*Id.*) John Doe 47 advised the bishop that he would be obtaining counseling. (*Id.* at 2.) It is unclear whether the Diocese offered to pay for the counseling or any other assistance; however, because the Department seized the diocese's records about two weeks after the date of John Doe 47's second letter, any record regarding the allegation generated after that date would not be in the Terrence Healy files.

On April 29, 2020, general counsel to the Diocese of Lansing emailed a letter to the Department, advising that the diocesan VAC "completed an intake from Jane Doe 16 [the older sister of John Doe 42] regarding sexual abuse by the late Terrence Healy – a former Catholic priest who was laicized in 1992 – when she was a minor attending Holy Family Parish in Ovid Michigan[,]" that allegedly commenced in or about 1983, when Jane Doe 16 was approximately 13 years old. (App'x TMH#53, Letter from general counsel to the Department of Attorney General, dated April 29, p 1.) In his letter, the diocesan attorney quoted the VAC's intake report as follows:

> Jane Doe 16 reports that her family were [sic.] members of Holy Family in Ovid before Fr. Healey [sic.] arrived. The abuse began when she was about 13, in about 1983 when Fr. Healey [sic.] came to the parish. Jane Doe 16 reports that she has many memories of what happened, they are fragmented and hard to put in order of time, and they are emotionally overwhelming.
>
> When he arrived at the parish, she says he started a youth ministry program for youth of the parish. She, along with many others [was] frequently at the parish and rectory for youth group activities . . .
>
> She says that she was uncomfortable from the beginning as he was a very big man and would hug her long and hard. When the children were at the rectory she remembers that they often watched movies and played games, her [sic.] would provide pizza, pop, candy and snacks. On some occasions he would provide them alcohol. She said that the boys often got gifts that included boom boxes and video games. At one point he gave her a necklace with her birthstone. She said that the boys often wrestled with him. She remembers Healey [sic.] wearing shorts and sitting in his recliner, she said he 'would sit in his recliner and his penis and testicles hung out, he would play with them, he would tell the boys that it was OK and normal to play with your penis and testicles cause they were boys.'
>
> Jane Doe 16 reports numerous incidents of physical and sexual abuse. She said, "he never liked me, we didn't get along." She reports that he often would pinch her twist [sic.] and then whisper "don't you dare cry." These pinches were to her upper arm and inner thigh. She said,

"I was made to do the picking up, cleaning and dishes." "He was mean to me, he told me that I was fat and ignorant. I was a tomboy and he told me I was going to be gay." She also said that at some points he would grab her breast and twist it, or grab at her crotch. She said, "I knew not to tell anyone." "He would grab my hair and yank back and remind me that he was the priest and I wasn't to say a word because no one would believe me." "I remember also being locked in a closet sometimes, it had a lot of pillows and blankets in it and we would play in it sometimes." She also reported that at one point when she was cooking, he burned her. Following the interview, she emailed this VAC pictures of the scars on her arm from the burns.

Early in the interview she shared that she was in the kitchen doing dishes and he "came into the kitchen and took his penis out and slapped me in the butt with it[.]" Later in the interview, she referred to what may have been the same incident and said, "when I was doing the dishes, he pulled his shorts aside an[d] said he would put the tip in me so that I would know what it felt like. I remember the smell; he came on my back. I just didn't know what to do, he told me to finish the dishes and take a shower, he came in and whipped the shower curtain open and said he would wash my back, I can see that shower curtain."

She also reported that one-time Healey [sic.] drove her to softball practice, 'while driving, he took the back of my hair and pushed me down on his penis and told me to suck on the tip of his penis. He said that if I wasn't gay then someday someone would make me do this, and so I might as well get used to it. I remember feeling like a Zombie that day.'

She said that she would sometimes get locked into the 2nd bedroom. About this, she said, 'I would get locked in the 2nd bedroom, he would tuck me in the [sic.] touch me and say pretty soon your [sic.] going to be older. I did not realize he was hurting the boys. It never crossed my mind that he was hurting them.'

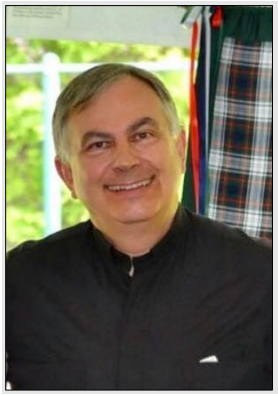
She acknowledges that her brother and cousin were abused by Healey [sic.]. She is 19 months older than her brother, whose name is John Doe 42. She said, "This all came out when I was about 16, my brother has never spoken to me about it." Her brother was 11 when it started and it lasted until he was 14. Her cousin was John Doe 41, she reported that about 3 years ago her cousin did report to her that he was abused. He shared that he had come forward to the Bishop and reported that on a 4-day trip with Healey [sic.], he was tied up, beaten and raped. She is 1 year older than her cousin.

She said, “my brother never spoke of this.” At the time that her brother and parents were prosecuting Healey [sic.], she would get sent to her room and told they were meeting with someone about insurance. My aunts always denied it could have happened. She said that when her parents finally told her, they were more than devastated, she remembers that her dad got a gun and was going to go to Heartland and kill him. She said that this was terrifying, and after that she was afraid to talk about what happened to her. She didn’t think her dad could handle it. She said “I was afraid that if I said something my dad might go and really kill him. So I just kept my mouth shut.”

She said that at two other times she attempted to talk with priests about this. She went to Fr. Ferrachi, who came to the parish after Healey [sic.] was removed, and “I was dismissed and told not to talk about it, then I went to a priest in St. John’s, I don’t remember his name, I tried to talk to him and was told that it was over and done and that God expected me to forgive him.[”]

[*Id.* at 1–3.]

(26) FR. MARK JOSEPH INGLOT
(LISTED ON DIOCESE SITE AS PRIEST WITHOUT FACULTIES)



Born: November 20, 1955
Ordained: September 12, 1981
Retired to Senior Priest Status Without Faculties: February 16, 2019

Fr. Mark Joseph Inglot was born on November 20, 1955, in Flint, Michigan, and was ordained to the priesthood on September 12, 1981, at St. Mary Cathedral in Lansing, Michigan. (App'x MJI#1, Priest Personnel Data sheet.) Fr. Inglot retired to senior priest status on February 16, 2019, without any public priestly faculties to celebrate the sacraments. (App'x MJI#2, Diocese of Lansing News, "Rev Mark Inglot granted Senior priest status," February 16, 2019, p 2.)

In a file memorandum dated December 16, 2011, Bishop Boyea wrote that he met with Fr. Inglot regarding the latter's request to take a one-year leave of absence, and, during that conversation, Fr. Inglot admitted that he was "gay, though he considers this a very small part of his life, as is Witness 127, his good friend with whom he has bought a house in Florida, but that they have not had sexual relations[.]" (App'x MJI#3, Memorandum from Bishop Earl Boyea to File, dated December 16, 2011.) Fr. Inglot told the bishop that his relationship with Witness 127 was "simply a very good friendship." (*Id.*)

On September 5, 2018, Bishop Boyea received an allegation of "sexual harassment" from John Doe 48 against Fr. Inglot. (App'x MJI#4, Decree of Bishop Earl Boyea, Prot. No. PEN 2018/1 of five paragraphs, dated September 5, 2018.) The alleged acts occurred "between September 2017 and August 2018." (*Id.*) As a result, Bishop Boyea decreed that a preliminary investigation be conducted. (*Id.*) On that date, Bishop Boyea appointed the diocesan director of human resources to conduct the investigation on the bishop's behalf. (App'x MJI#5, Second Decree of Bishop Boyea, Prot. No. PEN 2018/1, dated September 5, 2018.)

In an undated document from 2018, John Doe 48 provided a two-and-a-half page history of his claims of "sexual harassment" and "what might be constituted grooming behavior by Fr. Mark Inglot." (App'x MJI#6, Report of Claims by John

Doe 48 of sexual harassment by Fr. Mark Inglot, p 1.) John Doe 48 alleged that, on September 6, 2017, Fr. Inglot hugged him twice, told John Doe 48 he loved him, and during "the second hug he held me a little tighter and sucked my right ear." (*Id.*) During the period of October 15–17, 2017, Fr. Inglot invited John Doe 48 to drive to Wisconsin to visit Fr. Inglot's sister. (*Id.*) The six-hour drive was "awkward," which John Doe 48 described as Fr. Inglot trying to be John Doe 48's "friend," rather than his pastor. (*Id.*) On one occasion, Fr. Inglot allegedly offered to give John Doe 48 $100.00 . . . if Fr. Inglot "could see [John Doe 48] naked." (*Id.*) On March 29, 2018, Fr. Inglot allegedly rubbed John Doe 48's face during a Mass. (*Id.*) On May 15, 2018, while in a car together, Fr. Inglot allegedly rubbed John Doe 48's face with the back of Fr. Inglot's hand, which "creeped" John Doe 48 out. (*Id.* at 2.) On August 3, 2018, Fr. Inglot allegedly told John Doe 48 "I want to suck your dick so bad." (*Id.*) John Doe 48 also alleged that on two or three occasions, "Fr. Mark put[] me in a half nelson (wrestling move) in which my arms are contained so that they cannot move and his groin area was pressed up against my buttocks pinning me to the island in the kitchen." (*Id.* at 2–3.) John Doe 48 also stated that another priest saw this incident. (*Id.*)

In addition to the foregoing allegations from this 2018 report, John Doe 48 also alleged that, at other various times (during the timeframe referenced above), Fr. Inglot told him that he was the best thing to happen in 30 years, that he seemed lonely, and Fr. Inglot could be "that best friend for you," like he was with Witness 127. (*Id.*) John Doe 48 alleged that Fr. Inglot offered him a vacation to Ireland, football tickets, basketball tickets, and to go sailing. (*Id.*) John Doe 48 stated that, initially, he thought that Fr. Inglot was just being generous; however, he later believed that Fr. Inglot was "grooming me from day one." (*Id.*)

At the close of the investigation, the diocesan director of human resources concluded that John Doe 48's allegations – some corroborated by other witnesses – constituted credible findings of sexual harassment committed by Fr. Inglot. (App'x MJI#7, Memorandum from diocesan director of human resources to Bishop Earl Boyea, dated September 18, 2018, pp 1–3.) The director noted that, as part of the investigation, emails between Fr. Inglot and Witness 127 (referenced in Bishop Boyea's 2011 memorandum), which were retrieved from Fr. Inglot's computer, "indicated an improper sexual relationship between the two of them [referring to Inglot and Witness 127][.]" (*Id.* at 2.)

On October 11, 2018, the Diocese of Lansing issued an updated statement regarding Fr. Inglot that read in part pertinent:

> On Oct. 11, 2018, Rev. Mark Inglot submitted his resignation as pastor of Saint Thomas Aquinas Parish and Saint John Student Center, East Lansing. He asked Bishop Earl Boyea for permission to extend his leave of absence from public ministry in order to continue with therapy.

> On Sept. 11, 2018, the Diocese of Lansing announced that Father Inglot was placed on administrative leave from the parish due to a credible claim of sexual harassment made by an adult co-worker. Bishop Boyea began an immediate investigation into the allegation.
>
> [App'x MJI#8, Diocese of Lansing, "Updated statement on Rev Mark Inglot," dated October 11, 2018, p 2.]

In a letter dated July 3, 2019, the general counsel of the Diocese sent a letter to the Department of Attorney General outlining allegations from a second complainant, John Doe 49. (App'x MJI#8-2, Letter from diocesan counsel to Department of Attorney General, dated July 3, 2019.) According to John Doe 49, he was a friend and former employee of Fr. Inglot. (*Id*. at 1.) John Doe 49 said that he shared with Fr. Inglot that he had been "a victim of repeated child sexual abuse and had a difficult time trusting people." (*Id*.) In this report, John Doe 49 explained that he and his wife were active at St. John's Student Parish in East Lansing from 2000 to 2003 and that he began to work for the parish. (*Id.* at 2.) He alleged that it was a "sexually charged" work environment, quoting Fr. Mark as saying "inappropriate things," such as "a hole feels like a hole whether it's a man or woman." (*Id*. at 2.) John Doe 49 alleged that there was a lot of "naked time" as Fr. Inglot "liked to walk around naked." (*Id*.) On one occasion in 2003 when John Doe 49's wife was out of town, he alleged that Fr. Inglot had dinner with him at John Doe 49's house and stayed the night:

> [John Doe 49] said they had dinner together and again, were drinking heavily. At some point during the night, [John Doe 49] said that someone was in his room. He realized that Fr. Mark was standing there naked and was obviously aroused (noticeable erection). Fr. Mark tried to engage in physical contact with [John Doe 49] and when he refused, Fr. Mark began to force [John Doe 49's] head toward his groin area. [John Doe 49] said that Fr. Mark was very strong, but luckily [John Doe 49] was strong enough to resist him. He said they wrestled for about 10 minutes before Fr. Mark backed off. [John Doe 49] stated that Fr. Mark was angry and said that [John Doe 49] had been leading him on.
>
> [*Id.* at 2.]

In this report contained within the July 2019 letter John Doe 49 said that after he lost his job with the parish, his "marriage ended" and "he attempted suicide." (*Id.* at 3.) He further said that he "spent time at a mental health facility," eventually "lost his executive level job with the automotive company he worked for," and that he has been in therapy for the past six years. (*Id.* at 3.) The diocesan counsel noted in this letter reporting the allegations of John Doe 49, that Fr. Inglot "has no assignment and does not have public faculties to celebrate the sacraments." (*Id.* at 3.)

As part of this investigation, MSP Sgt. Frasier interviewed John Doe 48; however, John Doe 48 ultimately decided that he did not wish to pursue the matter. (App'x MJI#9, MSP Original Incident Report, NIS-0000020-18, December 31, 2018, pp 1–2; MSP Supplemental Incident Report 0001, NIS-0000020-18, May 2, 2019, pp 1–2; MSP Supplemental Incident Report 0002, NIS-0000020-18, January 3, 2020, pp 1–2; and MSP Supplemental Incident Report 0003, NIS-0000020-18, February 13, 2020, p 1.) With respect to the allegations of John Doe 49, any charge would have been barred by the statute of limitations.

(27) FR. PATRICK ISICHEI

Born: Unknown
Status: Apparently active in Diocese of Issele-Uku if still living

Fr. Patrick Isichei went to the Diocese of Lansing in 1990, after he had been in Steubenville, Ohio, earning his master's degree in theology. (App'x PI#1, Letter from Bishop Carl Mengeling to Bishop Emmanuel Otteh, Diocese of Issele-Uke dated April 4, 1997, p 1.) He was a priest of the Diocese of Issele-Uku, in Nigeria. (*Id.*)

On May 8, 1996, Jane Doe 17 met with Msgr. James Murray and stated that, in or about 1991, she met with Fr. Isichei once or twice a week for spiritual direction, during which time Fr. Isichei allegedly talked of "sexual matters," which included Fr. Isichei's admission that he had had "a sexual liaison" with a nun in Ireland. (App'x PI#2, Confidential Memo from Msgr. James Murray to Bishop Mengeling, dated May 30, 1996, p 1.) Jane Doe 17 also alleged that during one of her spiritual-direction meetings with Fr. Isichei, he touched her face and breasts "for anywhere from 5–30 minutes," terminating when Fr. Isichei had to answer his telephone. (*Id.*) Jane Doe 17 took "some responsibility for what happened[;]" however she insisted that Fr. Isichei failed to follow boundaries "that should exist between counselor and co[u]nsolee." (*Id.*)

On May 17, 1996, Msgr. Murray met with Fr. Isichei to discuss Jane Doe 17's allegation. (*Id.*) Fr. Isichei "admitted Ms. Jane Doe 17's allegation and even volunteered that the inappropriate touching had occurred twice not just once." (*Id.*) Fr. Isichei also admitted the experience with the nun in Ireland and another incident that occurred in Steubenville, Ohio, that he had previously denied when questioned by then Bishop Povish. (*Id.*)

By letter dated November 6, 1996, Msgr. Murray advised Fr. Isichei that he was no longer welcome in the Diocese of Lansing, citing several reasons that he summarized as follows:

> In summary, both the time of your presence in the diocese and the reason(s) for your being here have changed since you first arrived uninvited. This is not to say that your ministry, both at Resurrection, Lansing, and Christ the King, Flint, has lacked any merit. Much of the rationale which you have provided for your stay here has been your own personal interests.
>
> [App'x PI#3, Letter from Msgr. James Murray, Moderator of the Curia, to Fr. Patrick Isichei, dated November 6, 1996, p 3.]

In the same letter to Fr. Isichei, Msgr. Murray also wrote the following:

> You have been accused, and admitted, that you were guilty of inappropriate sexual contact with an adult female who came to you for spiritual direction while you were at Resurrection parish in Lansing. In so doing, you put both yourself and the Diocese at risk of civil litigation. You also admitted to me that you had been guilty of the same with two other adult women prior to coming to the Diocese. One of those ladies is now a member of the Cathedral parish.
>
> [*Id.*]

In a letter dated November 19, 1996, Witness 73 and Jane Doe 18 wrote to Msgr. Murray, at Msgr. Murray's request, and alleged that, in 1989 or 1990 when Fr. Isichei was a visiting priest and professor of sociology at the Franciscan University of Steubenville, he allegedly sexually assaulted Jane Doe 18 during confession. (App'x PI#4, Letter from Witness 73, adopted and signed by Jane Doe 18, to Msgr. James Murray, dated November 19, 1996, pp 1–2.) At the time, Witness 73 served as Fr. Isichei's secretary, and Jane Doe 18, his then girlfriend, was one of Fr. Isichei's sociology students. (*Id.* at 1.) Witness 73 had asked Fr. Isichei's assistance for Jane Doe 18 to go to confession because it had been "some time of not receiving it." (*Id.*) Jane Doe 18 thereafter went to the priest for confession in his "dormitory residence," and the following allegedly occurred:

> After confessing her sins, she waited for about 30 minutes for the absolution. When she finally tired of waiting for the absolution and it appeared that she was not going to receive absolution, she stood to leave. This is when Fr. Patrick [Isichei] approached her for a hug. It is important to understand that hugging was a very common occurrence at Franciscan University of Steubenville as it is in much of the Charismatic community of which many of the university community was involved. Jane Doe 18 did not see any harm with this.
>
> It was within this hug that Fr. Patrick stroked her back and began moving his hands up her sides upon her breasts. At the same time he moved his face toward hers as if to attempt to kiss her. She pushed him away immediately as she knew that these actions were inappropriate on his part. She also exclaimed in a loud voice "I can't believe you did that!" He told her not to speak so loud[ly] (probably for fear that someone may hear her). She left his dorm and about fifteen minutes after arriving to her own dorm room, she received a call from Fr. Patrick [pleading with her to not tell anyone, including Witness 73].
>
> [*Id.* at 1–2.]

In the same November 1996 letter to Msgr. Murray, Witness 73 wrote that after Fr. Isichei came to Lansing to where Mr. and Jane Doe 18 had previously moved, he notified Bishop Povish of Fr. Isichei's alleged prior incident with Jane Doe 18. (*Id.* at 3.) Several months later, Bishop Povish advised Witness 73 "that the matter was being dealt with[.]" (*Id.*)

By letter dated December 2, 1998, Msgr. Murray wrote to Bishop Anthony Gbuji, Bishop of Issele-Uku (Nigeria), advising that Fr. Isichei was no longer welcome in the Lansing diocese. Msgr. wrote:

> Just prior to receiving your letter last July, I had the unpleasant duty to confront Father Patrick about an allegation of a young lady that he had been guilty of sexual harassment on an occasion when she went to him for spiritual direction. Father Patrick admitted that he was indeed guilty of having fondled her on two separate occasions. These incidents took place in the rectory of Resurrection Parish, Lansing, Michigan, in 1991. She also said that in their meetings he had often spoken to her of sexual matters including a gratuitous disclosure by Fr. Patrick that he had a 'sexual liaison' with a religious woman.
>
> Father Patrick also admitted to me that he had indeed been sexually involved with this [member of a] religious [order]. In addition, he freely admitted to me another incident of sexual harassment that occurred while he was at Franciscan University in Steubenville, Ohio. Coincidentally the young lady involved has since moved with her husband to the Cathedral parish in our Diocese. Our former bishop, the Most Reverend Kenneth Povish, had confronted Father Patrick with her charges in September, 1993. At that time, Father Patrick denied the charge, whereas he admitted it to me in July of this year.
>
> [App'x PI#5, Letter from Msgr. James Murray, Moderator of the Curia and Chancellor, to Bishop Anthony Gbuji of Issele-Uku, dated December 2, 1998, p 1.]

In July of 1997, Jane Doe 19 wrote to Bishop Mengeling and alleged that, on June 11, 1997, while watching a video with Fr. Isichei during a spiritual-direction session at the Sacred Heart rectory, Fr. Isichei put his arm around her and fondled her "right breast at the nipple area[,]" totally devastating her. (App'x PI#6, Undated letter from Jane Doe 19 to Bishop Carl Mengeling.) Msgr. Murray replied to Jane Doe 19 on behalf of the bishop and requested her permission to use her name and description of the allegation, so that he could investigate same and also offered his "apologies and willingness to help" in any way he could. (App'x PI#7, Letter from Reverend Msgr. James Murray, Moderator of the Curia, to Jane Doe 19, dated July 25, 1997.) On August 13, 1997, Bishop Mengeling withdrew Fr. Isichei's faculties to minister in the Diocese of Lansing. (App'x PI#8, Letter from Bishop Carl Mengeling

to Fr. Patrick Isichei, August 13, 1997.) By letter dated June 26, 1998, Msgr. Murphy wrote to Jane Doe 19 and apologized for Fr. Isichei's "terrible breach of our moral code and ethic" and also advised her that Fr. Isichei was removed from ministry in the Lansing Diocese and, although his Bishop in Nigeria "asked him to leave the diocese and/or return to his home diocese in Nigeria," Fr. Isichei continued to reside in Flint at that time. (App'x PI#9, Letter from Monsignor Michael Murphy, Moderator of the Curia, to Jane Doe 19, dated June 26, 1998.) According to an internet search, Fr. Isichei appears to have returned to the Diocese of Isselu-Uku, as there was a Facebook entry from 2018, which celebrated the 52nd anniversary of ordination to the priesthood. Facebook for "Very Rev. Fr. Prof. Patrick Isichei."[29]

[29] https://www.facebook.com/photo.php?fbid=2044635619196965&id=1950778308582697&set=a.1950810158579512 (last accessed December 12, 2024).

(28) FR. MICHAEL ROBERT KELLY
(ON DIOCESE OF LANSING CREDIBLY-ACCUSED CLERGY LIST AND BISHOP ACCOUNTABILITY SITE.)

Born: June 20, 1946
Ordained: September 4, 1976
Left Active Ministry: December 1, 1983
Laicized: February 9, 1992
Died: November 2, 2022

The former Fr. Michael R. Kelly was born on June 20, 1946, and was baptized at Holy Cross Church in Lansing. (App'x MRK#1, Biographical Record of Fr. Michael R. Kelly.) He was ordained to the priesthood on September 4, 1976, at St. Mary Cathedral in Lansing, and left active ministry on December 1, 1983. (*Id.*) Fr. Kelly was laicized on February 9, 1992. (*Id.*) The former Fr. Kelly died in 2022.

On August 18, 1994, Jane Doe 20 called the Diocese of Lansing and alleged that she was sexually abused by the former Fr. Kelly when he was assigned at St. Michael Parish in Flint, Michigan. (App'x MRK#2, Interoffice Memorandum from Sally to Msgr. James Murray, dated August 19, 1994.) Jane Doe 20 asked in what years Fr. Kelly was assigned to St. Michael "to assimilate the circumstances surrounding the alleged abuse and to 'sort out things.' " (*Id.*) No details of the alleged sexual abuse were provided. (*Id.*)

On a page of unsigned and undated handwritten notes, presumably written by Msgr. James Murray, it is noted that Jane Doe 20 was 14 or 15 years old and in the ninth or tenth grade in 1978. (App'x MRK#3, Unsigned and undated page of handwritten notes.) She was allegedly touched five times for 20-to-30 minutes, with notations of "oral sex", and "vagina and penis." (*Id.*) It is also noted that he was "involved with" a senior high school student three or four times – "Oral intercourse." (*Id.*) It was further noted that he had sexual intercourse with a woman at the University of Michigan and was sexually active in the seminary. (*Id.*)

In an undated and unsigned letter written by the former Fr. Kelly, he wrote that he never had sexual intercourse with Jane Doe 20, but did fondle her and encouraged her to do the same to him. (App'x MRK#4, Unsigned and Undated handwritten letter of Michael Kelly.) He wrote that, at the time, Jane Doe 20 was 14 or 15 years old, and her family members were "somewhat active" parishioners at St. Michael Church. (*Id.*) He wrote that Jane Doe 20 was infatuated with him and made a point to be around him. (*Id.*) He wrote that, at the time, he was having a difficult time living the life a priest should live and was "living a double life of chaos away from the parish." (*Id.*) He was using drugs and alcohol and felt guilty and ashamed. (*Id.*) He wrote that "this kind of incident" with Jane Doe 20 is what eventually led him to seek help. (*Id.*) He later decided to leave the priesthood. (*Id.*)

(29) FR. WILLIAM JOSEPH KOENIGSKNECHT

Born: June 24, 1941
Ordained: Unknown
Retired to senior priest status: June 29, 2011

Fr. William Joseph Koenigsknecht was born on June 24, 1941. (App'x WJK#1, MSP Original Incident Report, Incident No. 010-0000863-18, dated December 7, 2018, p 4.) Fr. Koenigsknecht is currently retired. (App'x WJK#2, Email from diocesan attorney to Cheryl Williams-Hecksel, dated November 27, 2018.) Fr. Koenigsknecht was the pastor of Church of the Resurrection Parish in Lansing from 1986 to 2011. (*Id.*)

On November 25, 2018, Diocesan VAC Cheryl Williams-Hecksel spoke to John Doe 50, who alleged that, in the early 1990s when John Doe 50 was in the first or second grade at the Church of the Resurrection School, he was anally penetrated in the confessional by Fr. Koenigsknecht. (App'x WJK#1B, Victim Assistance Coordinator Allegations Record, dated November 26, 2018, pp 1–2.) John Doe 50 told VAC Williams-Hecksel that he had just recently remembered the incident with increasing clarity, after having begun to experience nightmares "including flashbacks." (*Id.* at 2.) John Doe 50 specifically alleged that he went into a room that was used as a confessional, and Fr. Koenigsknecht "asked me to lay down between the kneeler and the door, my head faced the west and feet towards the east or gym." (*Id.*) John Doe 50 stated that the priest disrobed his own lower garments and helped John Doe 50 pull down his pants. (*Id.*) Fr. Koenigsknecht then allegedly laid on top of John Doe 50, and because of the priest's weight, John Doe 50 felt "immobilized." (*Id.*) John Doe 50 stated that he did not fight Fr. Koenigsknecht, believing that it would be to no avail. (*Id.*) Fr. William Koenigsknecht allegedly spread John Doe 50's "butt cheeks and ran his penis in and out of them, grinding against" John Doe 50. (*Id.*) John Doe 50 alleged that Fr. Koenigsknecht next "inserted his penis into my anus and ejaculated." (*Id.*) He alleged that this happened one time. (*Id.*)

During the same November 2018 telephone interview with VAC Williams-Hecksel, John Doe 50 stated that he was going to therapy weekly and had a "solid support system." (*Id.* at 3.) John Doe 50 also stated that he wanted the Church "to acknowledge that their [sic.] priests have homosexual and heterosexual desires and work with priests to understand how to handle these and not simply ask them to 'give it up to God.' " (*Id.*) John Doe 50 also requested to meet with the bishop. (*Id.*) VAC Williams-Hecksel advised John Doe 50 that the Diocese would inform the Ingham County Prosecutor about John Doe 50's allegation. (*Id.)*

In an email dated November 28, 2018, Fr. Karl Pung reported that he spoke to Fr. Koenigsknecht: "He absolutely denies having raped anyone." (App'x WJK#4, Email from Fr. Karl Pung to Cheryl Williams-Hecksel, dated November 28, 2018.) Fr.

Pung wrote that he believed Fr. Koenigsknecht, would await the forwarding letter to the prosecutor, and noted that the case would need to go before the diocesan review board. Fr. Pung did not think the Diocese should "take any negative action toward Fr. Bill at this time." (*Id.*)

In a letter dated November 28, 2018, general counsel for the diocese wrote to Ingham County Prosecuting Attorney Carol Siemon and advised that the Diocese received an allegation of sexual abuse from John Doe 50 against Fr. Koenigsknecht. (App'x WJK#5, Letter from diocesan counsel to the Ingham County Prosecutor, dated November 28, 2018.) The counsel also wrote that Fr. Koenigsknecht was retired and denied the allegations. (*Id.*) A copy of that letter was emailed to the AG as part of this investigation. (*Id.*)

On December 7, 2018, VAC Williams-Hecksel met with John Doe 50, who advised her that he reported the alleged sexual abuse to Sgt. Frasier of the Michigan State Police earlier that day. (App'x WJK#5B, Email from Cheryl Williams-Hecksel to Bishop Earl Boyea, *et al.*, dated December 7, 2018.) John Doe 50 also reiterated that he wished to meet with Bishop Boyea and wanted to bring others to the meeting, including, perhaps, a reporter; however, during John Doe 50's conversation with VAC Cheryl Williams-Hecksel, John Doe 50 "landed on bringing [only] his wife and mother [to the meeting with the bishop]." (*Id.*)

On December 7, 2018, Sgt. Jeffrey Frasier of the MSP interviewed John Doe 50 at John Doe 50's home. (App'x WJK#1, MSP Original Incident Report, Incident No. 010-0000863-18, dated December 7, 2018, p 2.) When asked whether he was able to explain what happened from his memory "rather than the dreams," "John Doe 50 said through his therapy he was able to work through his thoughts." (*Id.*) John Doe 50 stated that he had always "felt ashamed of himself." (*Id.*) "John Doe 50 went on to explain you first deny things, then you suppress them, then you repress them." (*Id.*) John Doe 50 said that what happened to him was clear in his mind. (*Id.*) John Doe 50 specifically described the alleged incident to Sgt. Frasier, consistent with the report he gave to Diocesan VAC Cheryl Williams-Hecksel, after which he broke down and began crying. (*Id.* at 3.) John Doe 50 also stated that he did not have "any other memories of any other incidents like this happening." (*Id.*)

As part of Sgt. Frasier's December 2018 investigation, he contacted Fr. Koenigsknecht's attorney, requesting an interview with him, and that request was declined. (*Id.* at 5.) Fr. Koenigsknecht's attorney advised Sgt. Frasier that Fr. Koenigsknecht "advised he has never molested anyone, nor does he remember John Doe 50." (*Id.*)

Later in December 2018, Fr. Koenigsknecht's attorney emailed Sgt. Frasier the results of a polygraph examination taken by Fr. Koenigsknecht. (*Id.*) During the

examination, Fr. Koenigsknecht was asked the following three questions to which he responded in the negative:

> 1: Have you ever had sexual contact with a minor child? Answer – No.
>
> 2: While a priest, have you ever sexually touched a child? Answer – No.
>
> 3: Did you have sex with John Doe 50? Answer – No.
>
> [App'x WJK#6, Polygraph Report of William J. Koenigsknecht, dated December 17, 2018, pp 1–2.]

The examiner stated that the "polygraph charts did not indicate deception" and that he opined that Fr. Koenigsknecht was "being truthful regarding these issues." (*Id.* at 2.)

There were no criminal charges brought against Fr. William Koenigsknecht.[30]

The Diocese of Lansing retained a private investigator to investigate the allegation and referred the results to its diocesan review board in March 2020. The review board did not find the allegation to be credible.

[30] There was another Fr. William Joseph Koenigsknecht for the Diocese of Lansing, who was born in 1912 and died in 2002. See https://www.findagrave.com/memorial/158831796/william-joseph-koenigsknecht (last accessed December 12, 2024).

(30) FR. MICHAEL W. KUCHAR

Born: June 10, 1953
Ordained: September 20, 1980
Current Status: Retired to Senior Priest Status on June 27, 2018

Fr. Michael W. Kuchar was born in Owosso, Michigan, on June 10, 1953, and was ordained to the priesthood on September 20, 1980, at St. Mary Cathedral in Lansing, Michigan. (App'x MWK#1 Priest Personnel Data sheet.) Fr. Kuchar retired to senior priest status on June 27, 2018. (App'x MWK#2, Diocese of Lansing News, 2018 Priest Assignments & Transfers, dated June 25, 2018, pp 1–2.)

On November 23, 1998, Msgr. Murphy met with Jane Doe 21, during which time Jane Doe 21 alleged that, "on a number of occasions at meetings[,] Fr. Kuchar would place his hand on top of her leg, and then move his hand toward her hip[,]" over a period of several months. (App'x MWK#3, Memo from Msgr. Murphy to The File, dated November 23, 1998, p 1.) Jane Doe 21 also alleged that, "[a]t the Senior Breakfast in 1995[,] Fr. Kuchar came up behind Mrs. Jane Doe 21 and began to massage her neck and back unsolicited by herself." (*Id.*) Witness 75's husband allegedly told Fr. Kuchar "to take his hands off his wife." (*Id.*) Jane Doe 21 told Msgr. Murphy that she did not want "to lodge a complaint against Fr. Kuchar" or "move this matter forward." (*Id.*)

By letter dated April 27, 2016, the former Fr. Cecilio Reyna wrote to Bishop Carl Mengeling and advised that, "a number of years ago you asked me whether there was anything I knew about John Doe 51[,]" and, at that time, Fr. Reyna told the bishop that he did not know anything; however, since that time, he recalled a conversation with John Doe 51, which he described in the letter as follows:

> This is my memory: John Doe 51 told me that he had been "accosted" by Fr. M. Kuchar. It seems I remember him telling me that this incident happened when John Doe 51 was staying at St. Therese in Lansing. I do not recall whether Fr. Kuchar was a priest there. Jane John Doe 51 says that Fr. Kuchar said "that he was a man too." That is it. Those are the only elements I remember about that particular exchange with John Doe 51. The conversation happened at the former Emmaus House in E. Lansing across from St. John Student Parish. You are the first person I have ever told.
>
> [App'x MWK#4, Letter from Cecilio Reyna to Bishop Mengeling, dated April 27, 2016.]

By email dated May 18, 2016, Fr. Steve Anderson wrote to Bishop Earl Boyea, advising that John Doe 52, a parishioner who worked as a volunteer in a local jail where Fr. Kuchar served as chaplain, alleged that Fr. Kuchar "talked dirty to John Doe 52 and was touching him on the thigh." (App'x MWK#5, Email from Father

Steve Anderson to Bishop Earl Boyea, dated May 18, 2016.) Bishop Boyea replied and advised Fr. Anderson to "direct John Doe 52 to make a complaint to the prison officials as that is the correct process." (App'x MWK#6, Email from Bishop Earl Boyea to Fr. Steven Anderson, dated May 19, 2016.) Thereafter, Genesee County Sheriff Sargent Rodolfo investigated the matter and determined that no crime was committed. (App'x MWK#7, Typewritten notes, dated Thursday, June 30, 2016 and Thursday, August 4, 2016.) Fr. Karl Pung followed up the matter and met with Fr. Kuchar on August 5, 2016, and, after hearing his version of the events, Fr. Pung believed that Fr. Kuchar's "words and actions were misconstrued" and did not believe "there [wa]s danger of Fr. Kuchar crossing boundaries or seeking out his personal needs in an unhealthy way." (App'x MWK#8, Email from Fr. Karl Pung to Bishop Boyea and diocesan legal counsel, dated August 17, 2016.)

On August 26, 2018, Witness 77 wrote to Bishop Boyea that "[a] dear and trusted friend has told me about a young man who has told his parents that, as a young boy, he was molested by a priest (Michael Kuchar) in the Lansing diocese." (App'x MWK#9, Letter from Witness 77 to Bishop Earl Boyea, dated August 26, 2018.) Witness 77 wrote that the alleged victim "swore his parents to secrecy and told them that he was unwilling to come forth to either religious or civil authorities, regarding the molestation." (*Id.*) On August 30, 2018, on behalf of Bishop Boyea, Fr. Karl Pung replied to Witness 77, recommending that he report what he knew to the civil authorities and encourage "those who know more about the situation to do the same." (App'x MWK#10, Letter from Fr. Karl Pung, Vicar for Clergy, to Witness 77, dated August 30, 2018.) Fr. Pung also asked Witness 77 to contact the diocesan VAC. (*Id.*)

On September 20, 2018, Fr. Steven Mattson, pastor of Church of the Resurrection Parish, emailed Bishop Boyea and Fr. Pung to advise that an employee told him that the employee's brother had just told the employee that the employee's brother's nephew had been sexually abused by Fr. Kuchar when the nephew was a child. (App'x MWK#11, Email from Fr. Steven Mattson to Bishop Boyea and Fr. Karl Pung, dated September 20, 2018.) Fr. Mattson wrote that he thanked the employee and encouraged the employee to "pursue this with his sister, who is the mother of the victim, and invite him to speak with me, if he would be comfortable." (*Id.*) Fr. Mattson also recommended that he contact the diocesan VAC. (*Id.*) It is unclear whether the alleged victim is the same person as reported by Witness 77.

On September 24, 2018, Diocese of Lansing VAC Cheryl Williams-Hecksel interviewed Witnesses 78, the mother of John Doe 53, who alleged that, in 2009, John Doe 53 told his parents that Fr. Kuchar raped him in 1995 or 1996, when John Doe 53 was 13 or 14 years old. (App'x MWK#12, Victim Assistance Coordinator Allegations Record by Cheryl Williams-Hecksel, dated September 24, 2018, p 1.) Witnesses 78 said John Doe 53 told them that it occurred after he was serving at a funeral Mass and that "Father Mike Kuchar pushed him against the wall, pulled his pants down, and raped him." (*Id.*) Witnesses 78 stated that she and her

husband did not press for more details because the matter "was so upsetting for John Doe 53." (*Id.*) This was alleged to have occurred one time. (*Id.*) Witnesses 78 stated that she told Fr. Klein about the alleged sexual abuse "about that same time," but, because John Doe 53 refused to come forward, nothing was done. (*Id.*) Witnesses 78 also stated that another woman, with whom she had just recently been in contact, believed that her son was also sexually abused by Fr. Kuchar. (*Id.* at 2.) Witnesses 78 told VAC Williams-Hecksel that she would encourage both her son and the other woman to come forward. (*Id.*)

On September 25, 2018, Williams-Hecksel interviewed Witnesses 78, and Bishop Boyea issued a decree "that a preliminary investigation of the matter be conducted[.]" (App'x MWK#13, Decree of Bishop Earl Boyea Prot. No. PEN 2018/004, dated September 25, 2018.) That same day, Bishop Boyea issued a second decree appointing Lisa Kutas, the diocesan human resources director, to conduct the investigation with Fr. Karl Pung to serve as Notary. (App'x MWK#14, Second Decree of Bishop Earl Boyea, Prot. No. PEN 2018/004, dated September 25, 2018.) The purpose of the investigation was "to safeguard the public good, determine the facts, circumstances, and the question of the imputability of Rev. Michael Kuchar" and "to assist the bishop in determining whether there is a semblance of truth to the accusation, and to bring a just resolution to the allegation." (*Id.*) It is not clear what the results of this investigation were, as the Department executed its search warrant shortly thereafter on October 3, 2018.

As part of the Department's investigation, Department Special Agent David Dwyre interviewed John Doe 53 on November 21, 2019. (App'x MWK#15, Department of Attorney General, Criminal Division, Report, dated November 21, 2019, p 2.) John Doe 53 stated that he was a student at St. Therese Catholic School during the 1994–1995 academic year and in the eighth grade. (*Id.*) At the time, Fr. Kuchar was the St. Therese Parish pastor. (*Id.*) Special Agent Dwyre wrote the following summary of John Doe 53's allegations against Fr. Kuchar:

> The first assault occurred when John Doe 53 was 13 years old. He was at St. Therese for the 5:00 p.m. Saturday mass, prior to Christmas, when he asked Father Kuchar what color rope was needed for him to wear during services. John Doe 53 stated that depending on the date, different colored ropes were tied around the midsection of altar servers. They were in a back room where altar servers got dressed. The room was behind the altar of the church. He stated that Father Kuchar grabbed a rope and secured it around him. He then reached up and 'cuffed' his butt. John Doe 53 described it as something different than when a coach or teammate slaps a player's butt. He said it was like a cuffing action where Father Ku[c]har's palm was facing up and his hand was on his butt for an uncomfortably long time.

> The second assault occurred during the same 8th grade year, towards the end of the schoolyear. John Doe 53 said that Mrs. Scott was his primary teacher. He is not sure if she asked him to move boxes, or if Father Kuchar asked him, but he was tasked with moving boxes to and from the church rectory with other students. He believes this occurred during his school lunchtime. At some point, Father Kuchar asked John Doe 53 to move additional boxes, and he escorted him back to the same room in the church where he was initially assaulted. John Doe 53 stated that while in the room, Father Kuchar pushed him into some closed wooden closet doors. Father Kuchar kept repeating, "God loves you." At the same time, John Doe 53 felt Father Kuchar's arm pressed into his lower back, and he felt restrained. He claimed that he froze, and it was like an out of body experience. John Doe 53 remembers Father Kuchar reaching his left hand around him and pulling down his pants and underwear. He said that Father Kuchar began fondling and masturbating his genitals. John Doe 53 felt like his heart was going to burst from his chest. John Doe 53 began crying and described himself as being only 4 feet 9 inches and weighing only 90 pounds at the time of the assault. He said he cannot remember if Father Kuchar performed oral sex on him and that he only remembers the fondling and masturbation. At some point, either John Doe 53 or father Kuchar pulled his pants up. After he was done, Father Kuchar said to John Doe 53, "[l]et's go get you back to class."
>
> [*Id.*]

On June 20, 2019, the Department was contacted by Fr. Kuchar's attorney, Mary Chartier, who provided a copy of a voluntary polygraph report, which showed the questions presented to Fr. Kuchar and Fr. Kuchar's answers to same:

> 1. Have you ever sexually touched John Doe 53? Answer -- NO
>
> 2. Did you ever pull John Doe 53' pants down? Answer -- NO
>
> 3. Did you ever rub against John Doe 53's? Answer -- NO
>
> [App'x MWK#16, Letter from Mary Chartier to the Department of Attorney General and Polygraph Report of Kenneth MacEachern, Polygraph No. 2019-127, dated April 18, 2019, pp 1–2.]

The private polygraph examiner wrote that the "polygraph charts did not indicate deception." (*Id.* at 2.) He further wrote: "It is the opinion of the undersigned examiner, based on the examination given that this subject is being truthful regarding these issues." (*Id.*) (Emphasis omitted.)

Charges were not brought against Fr. Kuchar by the Department because they were time-barred by the applicable statute of limitations.

Fr. Kuchar retired to senior priest status, effective June 27, 2018, three months before the Diocese's launched its own investigation, and he does not appear to have an active assignment.[31]

Following completion of the Department's investigation, the Diocese of Lansing retained a private investigator to investigate John Doe 53's allegation. The investigative results were referred to the diocesan review board in July 2020. The review board concluded that there was insufficient evidence to determine whether the allegation appears to be true or false.

[31] https://www.dioceseoflansing.org/news/2018-priest-assignments-transfers (last accessed December 12, 2024).

(31) BR. DONALD KUCHENMEISTER, C.S.C.

Born: Unknown
Ordained: Unknown
Status: Apparently Active in Santiago, Chile

In November 2008, John Doe 54 of Seattle called the Diocese of Lansing and alleged that, when he was a resident of Boysville in Clinton, Michigan, he was sexually abused by "Brother Donald Kukenmeister," i.e., Brother Donald Kuchenmeister, one time in 1971. (App'x DK#1, Memo to the file of: John Doe 54 – Seattle, Washington, by Msgr. Michael Murphy, dated November 18, 2008.) No specific details of the alleged sexual abuse were noted, other than Br. Kuchenmeister allegedly fondled John Doe 54 and also sexually abused other boys. (*Id.*) Msgr. Murphy advised John Doe 54 to contact Br. Francis Boylan of Holy Cross Children's Services because "they would be the ones responsible because this was their facility and it was not a facility of the Diocese of Lansing[.]" (*Id.*)

By letter dated March 9, 2010, Msgr. Murphy reported John Doe 54's allegation against Br. Kuchenmeister to Br. Chester Freel, CSC, and also advised that John Doe 54 had repeatedly contacted Msgr. Murphy regarding the alleged sexual abuse, despite the fact that Msgr. Murphy had referred John Doe 54 to Br. Francis Boylan of the Holy Cross Children's Services "on two or three occasions." (App'x DK#2, Letter from Msgr. Michael Murphy to Br. Chester Freel, SCS, dated March 9, 2010.) On March 10, 2010, legal counsel to the Diocese of Lansing wrote to Jonathan Poer, Lenawee County Prosecutor, and reported John Doe 54's allegation against "Br. Kukenmeister" [sic]. (App'x DK#3, Letter from diocesan legal counsel to Jonathan Poer, dated March 10, 2010.) Diocesan legal counsel also provided John Doe 54's name and contact information, as well as that of Br. Freel, as head of the religious order to which Br. Kuchenmeister belonged. (*Id.*) He also provided Msgr. Murphy's contact information, as the diocesan official who took John Doe 54's report. (*Id.*)

By letter dated March 24, 2010, Prosecutor Poer advised John Doe 54 that he had received the information regarding John Doe 54's alleged sexual abuse from the Lansing Diocese and wrote that, "[u]nfortunately, the statute of limitation for prosecuting any criminal sexual conduct from 1971 expired several years ago and no criminal prosecution can take place now." (App'x DK#4, Letter from Jonathan Poer to John Doe 54, dated March 24, 2010.)

According to 2021 report celebrating Br. Kuchenmeister's 60th anniversary of his final vows, he was "director of Casa San Juan XXIII in Santiago, Chile, where he is responsible for the welfare of retired religious" and also was "organiz[ing] workshops for adults in the local parish."[32]

[32] https://todayscatholic.org/holy-cross-brothers-to-celebrate-jubilees/ (last accessed December 12, 2024).

(32) DEACON HOWARD F. LAKE

Born: August 23, 1933
Ordained: June 13, 1981
Died: February 8, 1996

Deacon Howard F. Lake was born on August 23, 1933, in Flint, Michigan. (App'x HFL#1, Find a Grave Re Howard F. Lake.) Deacon Lake died on February 8, 1996, in Flint, Michigan, at the age of 62 years. (*Id.*)

By letter dated September 17, 1991, Attorney Suellen Parker alleged that Deacon Lake sexually harassed and slandered her client, Jane Doe 22, and threatened to file a lawsuit against Holy Redeemer Parish, Deacon Lake, and a physician. (App'x HFL#2, Letter from Suellen Parker to counsel for the Diocese, dated September 17, 1991 at 1.) Specifically, Parker alleged that, prior to Jane Doe 22's employment with a Catholic facility, Jane Doe 22 and Deacon Lake "began having sexual relations," during which time Deacon Lake told Jane Doe 22 that he could find her a job at Holy Redeemer Parish, which he ultimately did. (*Id.*) Thereafter, "Ms. Jane Doe 22 repeatedly tried to end the affair, however Deacon Lake always reminded her that he was responsible for hiring her and could have her fired." (*Id.*) Parker also alleged the following:

> Deacon Lake was promoted to supervise Ms. Jane Doe 22 in approximately September of 1989. In October of 1989, Ms. Jane Doe 22 requested one week of vacation for February. Her mother had purchased airline tickets for her to go to Las Vegas . . . After Ms. Jane Doe 22 repeatedly refused Deacon Lake's sexual advances[,] he told her she could not take her scheduled vacation. He told her he was now her supervisor and controlled her.
>
> For Christmas of 1989[,] Deacon Lake gave to Ms. Jane Doe 22 a tape player and told her if she continued the relationship all would go well at work[,] and she may be able to take her vacation. He always called her into his office and requested hugs or made other inappropriate advances toward her. In February, Deacon Lake refused to allow Ms. Jane Doe 22 to go on vacation, [and,] shortly thereafter, Ms. Jane Doe 22 took her first sick leave due to stress caused by her employment at Holy Redeemer. She attempted to discuss matters with Father Lorenzo [the then pastor,] who ignored her cries for help[,] telling her she must report to Deacon Lake and do as he instructed her.
>
> [*Id.* at 1–2.]

In the same September 1991 letter to diocesan legal counsel, Parker also alleged that Deacon Lake embezzled monies, and when Jane Doe 22 discovered that funds

were missing, Deacon Lake asked her to cover it up "as a personal favor" to him and told her that, " 'if she would give him some hugs everything would work out O.K. for her.' " (*Id.* at 2.) He thereafter "told people that Jane Doe 22 was responsible for the missing funds." (*Id.*)

In a letter dated February 17, 1992, Deacon Lake wrote to Bishop Povish as a follow up to a conversation between the two men earlier that day. (App'x HFL#3, Letter from Deacon Howard Lake to Bishop Kenneth Povish, dated February 17, 1992, p 1.) Deacon Lake wrote that he was "human and have had failings from my past which have affected my current status." (*Id.*) He also wrote that he voluntarily agreed to "put on hold my status as a permanent Deacon for the Diocese of Lansing" and requested a "temporary leave of absence from all duties related to my status as a Deacon until such time as we mutually agree it would be appropriate for me to once again perform services as a Deacon in the Diocese of Lansing." (*Id.*) He further wrote that his leave from the diaconate was done "with the understanding that I will retain my position as Business Manager and perform outreach services at the Holy Redeemer Parish." (*Id.*) It is not clear whether Deacon Lake returned to ministry within the Diocese of Lansing or elsewhere.

In July 1992, Jane Doe 23 called then Father James Murray and alleged that Deacon Lake sexually abused her when Jane Doe 23 was 15 or 16 years old while attending a retreat at Sacred Heart Seminary in Detroit, Michigan. (App'x HFL#4, Interoffice Memorandum from Fr. James Murray to Bishop Povish, dated June 28, 1991.) The alleged incident occurred five or six years prior to Lake's ordination as a deacon, when he was about the same age as Jane Doe 23's father. (*Id.*) Jane Doe 23 alleged that Lake "gave her considerable attention, telling her how special she was." (*Id.*) "Then on one occasion when the two of them were alone in the chapel he fondled her above the waist and kissed her." (*Id.*) Jane Doe 23 stated that the alleged sexual abuse occurred one time; however, the two of them kept in contact "by letter and phone calls" during the following 12-to-18 months. (*Id.*) Jane Doe 23 stated that, at the time the alleged incident occurred, she did not know that Lake's behavior was improper, but did realize its impropriety later. (*Id.*) During her telephone call with Fr. Murray, Jane Doe 23 advised that she did not want any contact with Deacon Lake, nor did she want Deacon Lake to know her married surname. (*Id.*)

(33) FR. JAMES WILLIAM LEE, JR.
(ON DIOCESE OF LANSING CREDIBLY-ACCUSED CLERGY LIST AND BISHOP ACCOUNTABILITY SITE.)

Born: August 18, 1918
Ordained: May 8, 1948
Died: January 25, 1992

Fr. James William Lee, Jr., was born on August 18, 1918, in Detroit, Michigan, and was ordained to the priesthood on May 8, 1948, in Flint, Michigan. (App'x JWL#1, Priest Personnel Data Sheet.) Fr. Lee retired to senior priest status on October 15, 1984. (*Id.*) Fr. Lee died on January 25, 1992. (App'x JWL#2, Letter from Bishop Kenneth Povish to Father/Deacon/Pastoral Coordinator, dated January 27, 1992.)

By letter dated April 11, 1994, Attorney Joseph Wasche alleged that his client, John Doe 55, was sexually abused by Fr. Lee when John Doe 55 was 13 years old. (App'x JWL#3, Letter from Joseph Wasche, to Bishop Kenneth Povish and Msgr. James Murray, dated April 11, 1994, p 1.) Wasche wrote that, shortly after John Doe 55's father passed away, Fr. Lee invited John Doe 55 and his brother to the priest's vacation cabin in Cadillac, Michigan. (*Id.*) John Doe 55's brother was unable to go on the trip, so John Doe 55 went alone with Fr. Lee. (*Id.*) At the cabin, "Fr. Lee made John Doe 55 sleep in the same bed with him, and performed oral sex on John Doe 55 and asked John Doe 55 to do the same thing to him." (*Id.*) John Doe 55 said that John Doe 55 "became crazed and fled the cabin[.]" (*Id*..) Wasche wrote that "a seven figure settlement is in order to rectify this situation in our modern world." (*Id.* at 2.)

By letter to Attorney Wasche dated August 4, 1994, diocesan legal counsel advised that, after an extensive review and investigation of the matter, the allegations made against Fr. Lee, if true, went beyond the scope of employment with the Diocese and were not condoned or consented to, and "any such misconduct was repugnant to the policies, procedures and standards within the diocese." (App'x JWL#4, Letter from counsel for the Diocese to Joseph Wasche, dated August 4, 1994.) The diocesan attorney also wrote that any such claim against the Diocese would be barred by the applicable statute of limitations. (*Id.*) However, he also

wrote that, "in a pastoral manner," the Diocese was willing to offer $25,000.00, "as compensation to your client as well as some additional money for psychological assistance." (*Id.*) Wasche countered the Diocese's offer in the amount of $100,000.00, and the matter ultimately settled for the sum of $60,000.00 and John Doe 55's full and final release of all claims. (App'x JWL#5, Letter from Joseph Wasche to counsel for the Diocese, dated September 1, 1994; App'x JWL#6, Letter from Joseph Wasche to counsel for the Diocese, dated September 13, 1994; App'x JWL#7, Letter from counsel for the Diocese to Joseph Wasche, dated September 15, 1994; App'x JWL#8, Settlement Agreement and Release of All Claims, dated September 23, 1994; and App'x JWL#9, Diocese of Lansing check no. 076554 to John Doe 55 & Joseph Wasche, in the amount of $60,000.00, dated September 27, 1994.)

By handwritten letter dated June 29, 2002, Fr. Nicholas Ritter wrote to Msgr. Murphy and advised that Witness 81 alleged that, when his son was eight years old, Fr. Lee sexually abused him. (App'x JWL#10, Handwritten letter from Nicholas Ritter to Msgr. Murphy, dated June 29, 2002.) No details regarding the alleged sexual abuse were provided in the letter. In an unsigned letter from Msgr. Murphy, dated July 11, 2002, to Witness 81, Msgr. Murphy wrote that Fr. Ritter had notified Msgr. Murphy of the allegation and asked whether the Diocese could do anything for Witness 81 or his son, John Doe 56. (App'x JWL#11, Unsigned letter from Reverend Msgr. Michael D. Murphy to Witness 81, dated July 11, 2002.) Msgr. Murphy also apologized "for the pain and suffering that John Doe 56 has endured these last two decades plus." (*Id.*) There is no other mention of the John Doe 56 allegation in the Fr. Lee file.

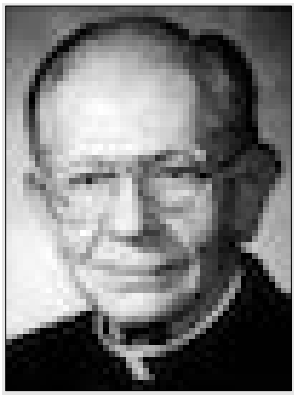
On September 18, 2012, John Doe 57 met with diocesan VAC Adrienne Rowland, and alleged that, when he was 13 or 14 years old, he was sexually abused by Fr. Lee at St. Joseph Parish in Ypsilanti. (App'x JWL#12, Victim Assistance Coordinator Allegations Record, by Adrienne Rowland, dated September 27, 2012, p 1.) John Doe 57 stated that Fr. Lee asked him to do Lawn maintenance for the church, and Fr. Lee gave him communion wine and beer. (*Id.*) Fr. Lee allegedly had John Doe 57 spend the night and took John Doe 57 to Shanty Creek when John Doe 57 was old enough to drive. (*Id.*) John Doe 57 described the alleged sexual abuse as "a touch here and a touch there," and said it happened approximately 20 times. (*Id.*) VAC Rowland asked John Doe 57 to be more specific with what occurred, which VAC Rowland summarized as follows:

> When asked for more detail, John Doe 57 stated that Fr. Lee touched his groin over his clothes, performed oral sex on John Doe 57, made John Doe 57 perform oral sex on him, and required John Doe 57 to masturbate him to ejaculation. John Doe 57 denies anal penetration of any kind. John Doe 57 said that Fr. Lee would tell him "it's not a bad thing, it's alright" and that he tried to be more of a friend to him.
>
> [*Id.* at 2.]

John Doe 57 stated that there was another boy around his age, and John Doe 57 believed that he knew what was going on and that he might also have been a victim of Fr. Lee. (*Id.*) John Doe 57 stated that he had never told anyone about the alleged abuse until a month prior to his meeting with Rowland, when his ten-year-old son said he was thinking about becoming a priest, causing John Doe 57 to feel compelled to tell his wife about the abuse. (*Id.*) His wife then encouraged him to contact Rowland to report the sexual abuse. (*Id.*) John Doe 57 stated that he would like to meet with the bishop, and, after Rowland asked if he and his wife would like the Diocese to assist with counseling, he stated that he would discuss it with his wife. (*Id.* at 4.)

By letter dated October 5, 2012, diocesan legal counsel reported John Doe 57's allegations to the Washtenaw County Prosecuting Attorney. (App'x JWL#13, Letter from legal counsel, to Washtenaw County Prosecuting Attorney, dated October 5, 2012.) By the same letter, legal counsel also notified Washtenaw County Prosecuting Attorney of the previous allegations brought by John Doe 55 and John Doe 56, because there was no indication in the file that the same had previously been reported. (*Id.*) The counsel explained that, if the previous two allegations had not been reported previously, it was because Fr. Lee was already deceased at the time the allegations were brought to the Diocese's attention, the former bishops not having the then-current policy of reporting allegations against deceased clergy. (*Id.*)

(34) FR. MARIAN JOHN LESNIAK
(ON DIOCESE OF LANSING CREDIBLY-ACCUSED CLERGY LIST AND THE BISHOP ACCOUNTABILITY SITE.)



Born: July 27, 1926
Ordained: May 20, 1950
Removed from public ministry: February 2, 2007
Died: October 9, 2011

Fr. Marian John Lesniak was born on July 27, 1926, in Mielec, Poland, and was ordained to the priesthood on May 20, 1950, at St. Mary Cathedral in Lansing, Michigan. (App'x MJL#1, Priest Personnel Data sheet.) Fr. Lesniak retired to senior priest status on October 2, 2002, and died on October 9, 2011. (*Id.*)

By an undated letter date-stamped received by the Diocese on April 5, 1982, Witness 121 wrote to Bishop Kenneth Povish and alleged that her son and his friends saw Fr. Lesniak pull into a parking lot, and a woman got out of another car and into Fr. Lesniak's car, after which she "got down on the seat or floor[,]" as Fr. Lesniak drove out of the lot. (App'x MJL#2, Date-stamped received letter from Witness 121 to Bishop Povish, dated April 5, 1982, p 1.) Witness 121 further wrote that the boys allegedly saw Fr. Lesniak return and drop the woman off in the parking lot one and one-half hours later. (*Id.*) On August 26, 1982, Bishop Povish wrote to Fr. Lesniak and enclosed a copy of Witness 121's letter, writing "[t]he enclosed is the third such accusation to come to me in the past two years, the other two being anonymous and thus ignored." (App'x MJL#3, Letter from Bishop Kenneth Povish to Fr. Marian Lesniak, dated August 26, 1982.) Bishop Povish went on to write that no one by the name of Witness 121 could be located, and the police reported that no one by that name had a driver's license or a car registered. (*Id.*) Hence, the bishop wrote that he did "not believe this stuff" and welcomed Fr. Lesniak to comment about it. (*Id.*) By letter dated September 2, 1982, Fr. Lesniak wrote to Bishop Povish about previous false accusations made about him; however, he did not admit nor deny Witness 121 allegation. (App'x MJL#4, Letter from Fr. Marian Lesniak to Bishop Kenneth Povish, dated September 2, 1982.)

In the Summer of 2000, Jane Doe 24 alleged that, when she attended St. Joseph School, she was sexually abused by Fr. Lesniak from 1967 through 1973, commencing when she was 12 years old and ending when she was 18 years old. (App'x MJL#5, Letter from Larry Evans to Fr. M. J. Lesniak, dated June 19, 2000; App'x MJL#6, Letter from Larry Evans to counsel for the Diocese with enclosures, September 15, 2000.) In a statement written by Jane Doe 24, she alleged:

> It started the year St. Joseph was building a new church and the temporary church was housed in the basement of the school, commonly called 'the hall.' I was 12 years old, 1967. [ ]I waited after school until about 3:45 pm to get picked up [ ]. Father Lesniak came over from the rectory every week or so. Sometimes he went to church, sometimes he went to see the principal.
>
> On one of those occasions, Father took me to the sacristy to get a cloth so I could dust the books and magazines for sale to parishioners. He said the women who cleaned the church didn't clean them.
>
> He then hugged me and held me in his arms. Each time he came to the school, he would have me go to the sacristy with him. Sometimes I would go after daily Mass to see him. He always took care of others and told me to wait until last, even with the school principal, if she was there.
>
> The hugging got more physical each time. He would rub my back over my clothes and then underneath. The victim further described the assault in graphic details which have been left out of this report.
>
> After the new church was open, the locations changed as well as the fondling increased. He would put his hands inside of pants or skirt and fondle me. He would kiss me repeatedly, using his tongue during the kisses and on body parts. There was little conversation, but he often called me 'precious' and 'princess.'
>
> This went on until 1972, the week between Christmas and New Years being the last time. I remember the incident well. I had an appointment to see him, as he said we needed to visit [ ]. The appointment was sometime in the early evening, about 6 pm or so. He had me in the office of the bookkeeper, and we sat next to each other and kissed, while he fondled me. He had me wait there as he had two other appointments scheduled. After the last appointment, he took me into the living room of the rectory, when he became more aggressive. My blouse was open and my breasts were exposed, as was his chest. He had his hands in my pants, and gave me . . . stimulation. This lasted a[t] lease [sic.] an hour[ ].
>
> [App'x MJL#7, Letter from Larry Evans to counsel for the Diocese, with enclosed typewritten statement of Jane Doe 24, dated October 2, 2000, p 1.]

On November 21, 2000, Jane Doe 24 signed a Release of All Claims, releasing both Fr. Lesniak and the Diocese of Lansing, in exchange for the sum of $50,000.00, which was paid by Fr. Lesniak. (App'x MJL#8, Letter from Larry Evans to counsel for the Diocese, dated November 13, 2000; App'x MJL#9, Letter from counsel for the Diocese to Larry Evans, dated November 15, 2000; App'x MJL#10, Official Check drawn from Comerica Bank in the Amount of $50,000.00, made payable to Jane Doe 24 [sic.]; App'x MJL#11, Release of All Claims, signed by Jane Doe 24, dated November 21, 2000, pp 1–2.) In the release, it provided that the payment was "made in full and complete settlement" of Jane Doe 24's claims and that "Father Lesniak expressly denies liability for the claim" of Jane Doe 24. (*Id.* at 1.)

On August 6, 2002, Jane Doe 24 met with Bishop Mengeling and Msgr. Robert Lunsford and expressed her concerns about Fr. Lesniak remaining in public ministry, and, at the conclusion thereof, the bishop agreed that Fr. Lesniak would retire on October 2, 2002, and that Fr. Lesniak would not be involved in Jane Doe 24's upcoming nuptials. (App'x MJL#12, Memorandum of Bishop Carl Mengeling, dated August 7, 2002, pp 1–2; App'x MJL#13, Memo to File, from Msgr. Lunsford, dated August 8, 2002.) By letter dated August 13, 2002, Bishop Mengeling accepted Fr. Lesniak's request to retire to "senior priest status," effective on October 2, 2002. (App'x MJL#14, Letter from Bishop Carl Mengeling to Fr. Marian Lesniak, dated August 13, 2002.)

In a letter addressed "To Whom It May Concern," Fr. Lesniak wrote the following:

> After much prayer, thought and reflection my conscience impels me to write this statement to 'set the record straight' and to dispel any latent doubts, misconceptions or misunderstanding concerning the case of Jane Doe 24.
>
> I write this statement in the presence of God our Loving Father, in the presence of Jesus Christ our Redeemer, High Priest and Brother, in the presence of the Holy Spirit our Sanctifier, Guide and Helper and I solemnly swear that I am writing the truth, so help me God.
>
> It seems that Jane Doe 24 was troubled with fantasies and a "lively" imagination early in her student years. Those fantasies about situations and 'activities' were just that; they never occurred but were figments of her imagination.
>
> As she grew older these fantasies seemed to get more "wild," more weird, more lurid and more "morbid."
>
> In an attempt to put a stop to all of this, the money given to her was partly to help her obtain the necessary professional assistance in her "illness."
>
> The other reason the money was given to her, was to help her in her "desperate" financial need.

She wrote to me several times asking for financial help, and specifically she asked for a loan of fifty thousand dollars so that she could "buy a house."

At the time she received the money she signed a statement indicating that she acknowledged that the giving of the money to her was in no way an admission of guilt, and she agreed that the matter would not be brought up or mentioned again.

She violated that agreement numerous times and constantly kept referring to the giving of the money to her as "proof of guilt."

At the very beginning of the "process" I suggested that a professional-medical evaluation be made of her mental and emotional state. [Legal counsel for the Diocese of Lansing] presented the request; It was rejected; she refused[.]

This "victory" gave her more boldness and seemed to give her more "control" in the "process."

She continued to add and describe more lurid details and morbid fabrications of situations and acts that never happened but were the result of her 'wild' fantasies – figments of her imagination.

Several times I suggested that her mother be contacted to help arrive at the truth. Again she refused. She did not want "her family involved."

She continued to be persistent and kept adding more lurid details of situations that never occurred – all figments of her imagination.

It is very disconcerting, disappointing, and frustrating – and it grieves me deeply that I could not be more convincing in presenting the truth in my defense. And it is unfortunate that her "illness" was not recognized and dealt with accordingly and decisively and that her persistent additional fantasies were accepted as truth.

It is unfortunate that she was permitted to 'manipulate' all of us the way she did.

I respectfully submit this statement and ask that it be included in my "file." I do so in the presence of the All-Knowing and All-Seeing God on Whom I call to witness that what I have written is the truth, so help me God.

[App'x MJL#15, Letter from Fr. Marian Lesniak, Senior Priest, to "To Whom it May Concern," dated March 19, 2004, pp 1–2.]

On February 2, 2007, Bishop Mengeling issued a precept, prohibiting Fr. Lesniak from publicly celebrating or concelebrating Masses and from celebrating any sacraments, except "*in pericolo mortis*," i.e., in danger of death. (App'x MJL#16, Letter from Bishop Carl Mengeling to Fr. Marian Lesniak, dated February 2, 2007.) By letter dated March 16, 2007, Fr. Lesniak asked Bishop Mengeling to cancel the precept and restore his "previous rights." (App'x MJL#17, Letter from Fr. Marian Lesniak, Senior Priest, to Bishop Carl Mengeling, dated March 16, 2007 at 3.)

In early 2008, Jane Doe 24 again contacted the Diocese regarding concerns about Fr. Lesniak's continued activities as a priest. (App'x MJL#18, Email from Jane Doe 24 to Msgr. Murphy, dated January 10, 2008.) As a result of Jane Doe 24's "complaint," Bishop Mengeling issued another precept, restating the four stipulations in the February 7, 2007, precept, and adding the following:

> On March 16, 2007, you wrote asking that the previous precept be rescinded. Given the nature of the complaint and in light of the Charter and Essential Norms, I cannot and do not accede to your request and the precept remains in force.
>
> On January 18, 2008, we received another complaint from Jane Doe 24 (nee: Jane Doe 24) informing us that you are corresponding and maintaining contact with members [of] St. Joseph Parish, Jackson . . . and the Jane Doe 24 family. In light of the circumstances surrounding this serious matter, and with due regard for the pastoral needs of St. Joseph Parish, the Jane Doe 24 family and my own solicitude for your welfare, bearing in mind the provisions of the Charter and Essential Norms, #6 in order to ensure the safety of all parishioners of St. Joseph Parish and the Jane Doe 24 family – and for your good as a priest of Lansing, I now add the following provisions [sequentially numbered after initial precept]:
>
> 5. You are not to have any contact by any means of communication (telephone, e-mail, cards, letters, etc.) with any member of St. Joseph Parish, Jackson or with Jane Doe 24 or any member of the Jane Doe 24 family . . .
>
> 6. You are not to go to Jackson for any reason.
>
> [App'x MJL#20, Precept of Bishop Carl Mengeling, dated February 19, 2008, pp 1–2.]

On February 17, 2009, a year later almost to the day, Jane Doe 24 again wrote to Msgr. Murphy and claimed that Fr. Lesniak was violating conditions of the precept. (App'x MJL#21, Letter from Jane Doe 24 to Msgr. Michael Murphy, Moderator of the Curia, February 17, 2009, p 1.) Jane Doe 24 also wrote:

It is obvious you cannot control or contain this person, nor do you have any methods to enforce our agreement. It is obvious that neither you nor he can keep your agreement with me. Therefore, I find our agreement null and void.

That being said, I believe that gives me the right for several or all options – and even others:

1. To have the name of the prosecutor to press any legal proceedings I can;

2. To have the right to request more money from you;

3. To have the right for me to publicly, in any manner I can, let the world know the evil this man did to me[; and]

4. Ensure his name and facts are posted on S.N.A.P.

[*Id.* at 2.]

On March 16, 2009, Msgr. Murphy wrote the following reply:

Your letter, dated February 17, 2009, was received on March 10, 2009.

Your letter is a good summary of the situation. We believe you – and always have believed you. Because we believe you, we removed Fr. Marion [sic.] Lesniak from all public ministry, and have directed him not to have any contact . . .

In thinking about this situation, we come back to the one fundamental principle that we try to follow in dealing with a victim of abuse. If the person wants confidentiality regarding the past abuse then we cooperate. If a person wants the abuse to be reported to civil authorities then that is what we do. Per your wishes we have not made the abuse you experienced public in any fashion.

We understand and sympathize with your anger and frustration as expressed in your letter. This situation was not created by you or your family. Further we have tried to cooperate with you in this matter and have not been able to reach a satisfactory solution. Therefore, could I suggest that you and Bishop Boyea have a meeting at the Bishop's office sometime in the near future. The Diocese of Lansing will underwrite all your expenses in coming to Lansing for this meeting. You are welcome to bring a companion, such as your spouse or your psychologist, to this meeting. We will underwrite that person's expenses as well.

[App'x MJL#22, Letter from Msgr. Michael Murphy, Moderator of the Cura, to Mrs. Jane Doe 24, dated March 16, 2009.]

In a letter dated March 30, 2009, Jane Doe 24 replied to Msgr. Murphy and declined to travel to Lansing to meet with the bishop, but offered, instead, to meet in her state of residence, if the bishop would want to travel there. (App'x MJL#23, Letter from Jane Doe 24 to Msgr. Michael Murphy, Moderator of the Curia, dated March 30, 2009.) Jane Doe 24 also requested that the name of the prosecuting attorney be forwarded to her. (*Id.*) The Diocese provided the prosecutor's contact information to Jane Doe 24 and also reported Jane Doe 24's allegations against Fr. Lesniak to the prosecutor, as well as the contact information for both Fr. Lesniak and Jane Doe 24. (App'x MJL#24, Letter from diocesan Legal Counsel, to Henry Zavislak, Jackson County Prosecuting Attorney, April 28, 2009, p 1.)

On February 23, 2010, after additional correspondence exchanged between the Diocese and Jane Doe 24, Bishop Earl Boyea and Msgr. Raica travelled to meet with Jane Doe 24. (App'x MJL#25, Memorandum to File from Msgr. Steven Raica, Chancellor, dated April 30, 2009; App'x MJL#26, Letter from Msgr. Michael Murphy to Jane Doe 24, dated May 1, 2009; App'x MJL#27, Letter from Msgr. Michael Murphy to Jane Doe 24, dated May 15, 2009; and App'x MJL#28, Memorandum to File from Msgr. Steven Raica, dated March 9, 2010 at 1.) During that meeting, Jane Doe 24 asked if other funding would be available to her "for occupational therapy and other helps," and the bishop asked her to "put together a package" for him to review, and, "[i]f something seem[ed] reasonable, he would try to find a way for her to advance her healing." (*Id*. at 2.) The Diocese also agreed to continue its assistance with therapy expenses and would attempt to meet with two other women whom Jane Doe 24 believed knew about or experienced Fr. Lesniak's alleged inappropriate behavior. (*Id.*)

Under cover letter dated May 24, 2010, Jane Doe 24 submitted her proposal to the Diocese, which she summarized as follows:

> This proposal can be summed up with the following:
>
> 1. Continued mental/emotional health counseling, including workshops, seminars, as needed.
>
> 2. Tuition reimbursement for a degree in a field that supports my God-given talents[.]
>
> 3. A stipend to allow me to study full time and work part time[.]
>
> [App'x MJL#29 Letter from Jane Doe 24 to Msgrs. Murphy and Raica with enclosed two-page proposal, dated May 24, 2010, p 2.]

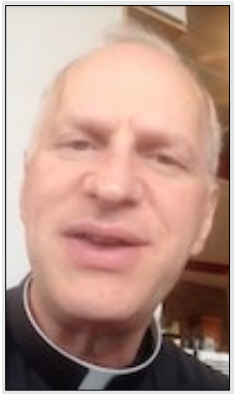
On July 6, 2010, in response to the above-quoted proposal, Msgr. Raica wrote to Jane Doe 24 and advised that the Diocese would be willing to financially assist with her counseling and would be willing to consider providing financial assistance for workshop and seminars that help her healing and well-being. (App'x MJL#30,

Letter from Msgr. Steven Raica, Chancellor, to Jane Doe 24, dated July 6, 2010.) Msgr. Raica further offered to pay Jane Doe 24 the sum of $30,000.00 per year for four years to pay for her tuition and other requested expenses, to be allocated at her discretion. (*Id.*) Consistent with that understanding, the Diocese paid Jane Doe 24 $30,000.00 for four years, commencing in January of 2011 and ending in January of 2014. (App'x MJL#31, Letter from Msgr. Steven Raica, Chancellor, to Jane Doe 24, dated August 11, 2010; and App'x MJL#32, Letter from Msgr. Steven Raica, Chancellor, to Jane Doe 24, dated January 28, 2014.)

On August 23, 2010, Msgr. Raica emailed Jane Doe 24 to give her a "heads up" that the bishop was planning to speak to the news media regarding an unrelated allegation of abuse against a different priest and would also be releasing the names of priests "who are permanently removed from the exercise of priestly ministry. Mindful of your request, however, Mari[a]n will <u>not</u> be on that list." (App'x MJL#33, Email from Msgr. Steven Raica, Chancellor, to Jane Doe 24, dated August 23, 2010.) (Emphasis in original.)

The Diocese of Lansing added Fr. Lesniak to its credibly-accused clergy list in 2019, eight years after he died. (App'x MJL#34, Diocese of Lansing list of clergy with a credible allegation of sexual abuse of a minor, p 10.)

(35) FR. RICHARD C. LOBERT
(LISTED ON BISHOP ACCOUNTABILITY SITE.)



Born: January 13, 1948
Ordained: May 10, 1975
Removal of faculties by Archdiocese of Baltimore: January 5, 2021

Fr. Richard C. Lobert was born on January 13, 1948. (App'x RCL#1, Personnel Card, Diocese of Lansing.) Fr. Lobert was ordained to the priesthood on May 10, 1975, at the Cathedral of Mary our Queen, in Baltimore, Maryland. (App'x RCL#2, Letter from Monsignor W. Francis Malooly, Chancellor, Archdiocese of Baltimore, to "To Whom it May Concern," dated May 15, 1995.) Although an Archdiocese of Baltimore priest who never was incardinated into the Diocese of Lansing, Fr. Lobert worked in the Lansing Diocese from 1995 until his resignation on April 16, 2021, as Chaplain at the Father Gabriel Richard High School, located in Ann Arbor, Michigan. (App'x RCL#3, Diocese of Lansing Statement Regarding Reverend Richard Lobert, dated April 16, 2021; App'x RCL#4, Diocese of Lansing Statement: Update Regarding the Reverend Richard Lobert, dated May 20, 2021.) "[W]hile Father Lobert has not had any other assignments within the Diocese of Lansing, he has from time to time assisted at other parishes within the diocese, including regularly at Holy Spirit in Hamburg." (*Id.*)

In December 2020, Fr. Lobert was placed on a leave of absence, pending the completion of an investigation into sexual-abuse allegations by the Department of Attorney General. (*Id.*) Consequently, the Archdiocese of Baltimore, Fr. Lobert's home diocese, also removed his priestly faculties on January 5, 2021. (App'x RCL#3, Diocese of Lansing Statement Regarding Fr. Richard Lobert, dated April 16, 2021; App'x RCL#5, Archdiocese of Baltimore Statement Regarding Fr. Richard Lobert, dated January 5, 2021.)[33]

[33] https://www.archbalt.org/press-release-01-05-21/ (last accessed December 12, 2024).

According to the Diocese of Lansing, Fr. Lobert came to Michigan in 1995 to be near his parents, who lived here, and to assist in their caregiving. In a letter dated May 15, 1995, the chancellor of the Archdiocese of Baltimore verified that "Father Richard C. Lobert is a priest in good standing here in the Archdiocese of Baltimore." (App'x RCL#2, Letter from Monsignor Francis Malooly, Chancellor, to "To Whom it May Concern," dated May 15, 1995.)

In the file for Fr. Lobert for the Diocese of Lansing, there was a March 12, 2009 memorandum from the Director of Child and Youth Protection for the Archdiocese of Baltimore to the Archbishop of Baltimore in 2009, Edwin O'Brien. (App'x RCL#6, Memorandum marked "Confidential," from the Director to Archbishop Edwin O'Brien and the Chair of the Archdiocese of Baltimore Independent Review Board, dated March 12, 2009.) In this memorandum, the Director summarized an allegation from John Doe 58 of a claim of "inappropriate conduct" by Fr. Lobert that allegedly occurred in the early 1980s at St. Mary's Church in Cumberland, Maryland. (*Id.* at 1.) John Doe 58 made this allegation while he was incarcerated for "having sexual intercourse with a 15 year old female." (*Id.*) John Doe 58 alleged that he was the "telephone sitter" for the parish in around 1982 while in the 8th grade, and alleged that Fr. Lobert "had him sit on his lap while the two were alone together," alleging that it occurred four or five times. (*Id.*) John Doe 58 stated that "he did not feel that Fr. Lobert was aroused during the alleged event and that Fr. Lobert never touched his genital area." (*Id.* at 1, 2–3.) John Doe 58 also noted that John Doe 58 was "bi-polar" and was taking medication for this disorder. (*Id.* at 4.) While the memorandum noted that "[g]enerally John Doe 58's statements regarding Fr. Lobert's lap were credible," the memorandum also noted that "John Doe 58 is a troubled individual." (*Id.* at 5.) The memorandum further noted that John Doe 58 stated he had no other criminal history, but that available criminal records showed that there were "two separate charges of fraud/conversion (which were dropped)" and that he had been "convicted of disorderly conduct and contributing to the delinquency of a minor (likely for buying a minor alcohol) and separately of having an open container of alcohol." (*Id.* at 6, 7.) In a later request regarding these allegations, the memorandum stated that John Doe 58 "asked for a new television or a cash payment to his personal account." (*Id.* at 7.) The Archdiocese declined this request. (*Id.*)

In response to these allegations, the March 2009 memorandum noted that Fr. Lobert denied that he had committed any type of abuse against John Doe 58, that he denied that he had John Doe 58 sit on his lap "on any occasion," and then denied "through sworn affidavits any type of misconduct with minors and denied the allegation of John Doe 58." (*Id.* at 5–6, 7.) The memorandum noted that "[a]ll of the individuals that we spoke with who had worked with Fr. Lobert during the subject period and beyond denied ever seeing Fr. Lobert act inappropriately with minor[s] and denied ever hearing any reports of comments regarding any such conduct." (*Id.*) Fr. Lobert's personnel file for the Archdiocese also "revealed no concerns of inappropriate behavior with minors[.]" (*Id.*)

The March 2009 memorandum noted that the Archdiocese "discussed the allegation with the Diocese of Lansing[,]" and the Diocese indicated that it had "no complaints or other information regarding any allegations of any kind of misconduct[.]" (*Id.* at 6.) The Archdiocese informed the civil authorities of the allegation in January 2008. (*Id.* at 7.) In the findings section of the memorandum, the Director from the Archdiocese indicated that the investigators "have found no evidence to corroborate the allegations of inappropriate behavior made by John Doe 58." (*Id.*) It also noted that John Doe 58 had been charged with prior criminal offenses, include "two separate charges of fraud/conversion." (*Id.*) The Director also wrote that "[w]e believe that Fr. Lobert is fit for ministry" and that "[i]n light of the lack of corroboration and credibility, we do not recommend that any public disclosure be made regarding John Doe 58's allegations." (*Id.* at 8.)

On January 30, 2019, diocesan VAC Williams-Hecksel received an email from "Jane Doe 25," alleging that she went to confession to Fr. Lobert, and after she was finishing confessing her sins, he "grabbed me pulled me close to him, tried to kiss me and rub me and told me he loved me and wanted sex." (App'x RCL#7, Department of Attorney General, Criminal Division, dated February 5, 2019, p 2.) Williams-Hecksel replied to Jane Doe 25's email four times, without reply and with a message that the emails were undeliverable. (*Id.*) A few days later, Bishop Earl Boyea received an email from "Jane Doe 26," who wrote that she was 16 years old, and who alleged a substantially similar allegation that occurred with Fr. Lobert in the confessional. (*Id.* at 2–3.) A reply was also sent to the email address, with the same being undeliverable. (*Id.* at 3.) General Counsel for the Diocese forwarded the allegations to the Attorney General for investigation. (*Id.* at 2.) The diocesan IT department determined that both emails, the one to Williams-Hecksel and the one to Bishop Earl Boyea, came from the same IP address. (*Id.* at 3.) About an hour after Bishop Boyea received his email from "Jane Doe 26," the Fr. Gabriel Richard High School received a welfare message from an anonymous sender expressing concern for John Doe 59, a student of the school, who was acting strangely. (*Id.* at 3–4.) It was determined that the message was also sent from the same IP address as the previous two emails and that it came from the Witness 83 home. (*Id.* at 4.) It was also determined that John Doe 59 had sent the school previous emails from the same IP address, and the wording and writing style were similar. (*Id.* at 5–6.) John Doe 59's mother opined that the welfare email resembled the style and wording of John Doe 59's writing, but she did not believe that her son would have sent the previous two emails that accused Fr. Lobert of inappropriate behavior. (*Id.* at 5.) John Doe 59 stated that he had "no recollection of doing this, no trace in my brain." (*Id.*) On March 7, 2019, John Doe 59 met with a school guidance counsellor and made numerous admissions regarding sending the messages regarding Fr. Lobert. Shortly thereafter, John Doe 59 was administratively removed from Father Gabriel Richard High School. (App'x RCL#8, MSP Original Incident Report, dated December 2, 2020, p 3.)

On December 4, 2020, Witness 83, John Doe 59's mother, called the Department of Attorney General's tipline and alleged that John Doe 59 had been sexually abused by Fr. Lobert for years while John Doe 59 attended Father Gabriel Richard High School. (*Id.* at 1.) Three days later, Sgt. Jeffrey Frasier of the MSP interviewed John Doe 59. (*Id.* at 2.) John Doe 59 stated that, commencing during his freshman year of high school, Fr. Lobert allegedly began to touch John Doe 59 "on his shoulders and chest area," and John Doe 59 asked him to stop because John Doe 59 "did not like that because he has sensory issues." (*Id.*) John Doe 59 stated that the touching was frequent and occurred when no one else was present. (*Id.*) John Doe 59 alleged that, during his sophomore year, he went to Flint with Fr. Lobert to participate in the "Faith in Flint program," and, on the way back, they stopped at a market to buy fruit and use the restroom. (*Id.* at 3.) After John Doe 59 exited a restroom stall, Fr. Lobert allegedly went into the same stall where he quickly pulled his pants and underwear down, exposing his penis, and asked John Doe 59 "to touch his [Fr. Lobert's] private parts." (*Id.*) John Doe 59 said he refused and left the restroom. (*Id.*)

During the same interview with Sgt. Frasier on December 7, 2020, John Doe 59 stated that similar incidents happened when he was an altar server for morning Masses, and John Doe 59 "always told him no." (*Id.* at 3.) On one occasion, John Doe 59 said that, after refusing to touch Fr. Lobert's genitals, Fr. Lobert allegedly "tried to force John Doe 59's hand on his penis, but he pulled his hand/arm away from him." (*Id.*) John Doe 59 further alleged that his refusal angered Fr. Lobert, and Fr. Lobert then removed his belt and struck John Doe 59 on an arm. (*Id.*) John Doe 59 alleged that this conduct continued, and John Doe 59 told Fr. Lobert that he would not serve Mass with him anymore, if Fr. Lobert kept hitting him. (*Id.*) Fr. Lobert then allegedly told John Doe 59 that Fr. Lobert had a knife, which John Doe 59 interpreted as a threat to use it on him, if John Doe 59 refused to altar serve for Masses. (*Id.*) John Doe 59 alleged that, although he never saw a knife, Fr. Lobert "hit or slapped him approximately 23 times." (*Id.*) John Doe 59 also alleged that, on one occasion that he believed occurred in December of 2018, Fr. Lobert asked John Doe 59 to pull down John Doe 59's pants, so Fr. Lobert could "touch his private parts." (*Id.*) John Doe 59 said he refused. (*Id.*) John Doe 59 also told the detective that Fr. Lobert once allegedly "punched him on his private parts outside his clothes" and later apologized, claiming "it was an accident." (*Id.*)

On December 15, 2020, Sgt Frasier interviewed Fr. Lobert. (*Id.* at 5.) Sgt. Frasier showed Fr. Lobert a photograph of John Doe 59, and Fr. Lobert recognized him as a former student who "made a false accusation about me, I'm sorry to say[,]" referring to the first two emails sent to the Diocese of Lansing. (*Id.*) Fr. Lobert stated that John Doe 59 "was asked to leave the school." (*Id.*) Because of that incident, Fr. Lobert said that he had "zero trust with John Doe 59." (*Id.*) Fr. Lobert described John Doe 59 as "a smart/good student, with poor social skills." (*Id.*) At the detective's request, Fr. Lobert explained what the "Faith in Flint" program was, and he stated that he did not recall whether John Doe 59 ever participated in that with

him, but did state that, on his way back from those events, Fr. Lobert would stop at Spicer's Orchard to buy fruit, but did not know where the bathroom was there. (*Id.* at 5–6.) He denied going into the bathroom with John Doe 59, and he stated that he would never go into a restroom if he knew a child was in there. (*Id.* at 6.) Fr. Lobert denied ever touching John Doe 59 on the shoulders or elsewhere, and he stated that he could not recall even hugging John Doe 59. (*Id.*) He denied all of John Doe 59's allegations and stated that "he feels John Doe 59 is a pathological liar." (*Id.*) Fr. Lobert admitted that he probably had been alone with John Doe 59 in the sacristy, but he denied ever pulling down his pants and asking John Doe 59 to touch his "private parts," stating "[n]o, totally absolutely false." (*Id.*) He also denied forcing John Doe 59's hand on Fr. Lobert's private area or asking John Doe 59 to let him touch John Doe 59's private area, and he stated that the only knife he owned was a small paring knife. (*Id.*)

On November 23, 2020, diocesan legal counsel emailed the Department of Attorney General to advise of an allegation of sexual abuse that John Doe 60's therapist reported to the diocese regarding Fr. Lobert. On December 8, 2020, Sgt. Frasier interviewed John Doe 60. (App'x RCL#9, MSP Original Incident Report, dated November 24, 2020, p 2.) John Doe 60 said that he resided at Maxey Boys Training School, from 1998, when he was 15 years old, to June 2001, when he was a ward of the State of Michigan. (*Id.*) In his report, Sgt. Frasier summarized the incident of sexual abuse alleged by John Doe 60 during the interview:

> John Doe 60 said the first time he went to Mass he had confession with Father Lobert. John Doe 60 said he confessed to Father Lobert something he [had] done as a young man that he had not gotten in trouble for. John Doe 60 advised this confession was various crimes he committed that he was not arrested and or apprehended for. John Doe 60 further stated it was related to gang activity. John Doe 60 felt this was a way to get himself better and become a man.
>
> John Doe 60 said the second time he had confession with Father Lobert it was in the back of the church where no one else was. John Doe 60 advised Father Lobert told him if he did not do something for him, he would tell his group leader what they talked about and it would get John Doe 60 in trouble. I asked John Doe 60 how that statement made [him] feel, John Doe 60 said it made him feel really scared. John Doe 60 said he was trying to get out of there (Maxey).
>
> John Doe 60 said Father Lobert grabbed his hand (John Doe 60's) and put it on top of his robe and he felt his erect penis (Father Lobert). John Doe 60 advised Father Lobert used the same words each time during these incidents.

> John Doe 60 said the third time Father Lobert grabbed John Doe 60's hand and forced it to/on his penis. John Doe 60 said, "[h]e (Father Lobert) had me jack him off." John Doe 60 said he saw Father Lobert's penis at this time. John Doe 60 said a Maxey employee walked by but had no idea what they were doing.
>
> John Doe 60 confirmed the sexual abuse occurred 3 times while housed at Maxey. John Doe 60 said the third time was the same, Father Lobert forced his hand to his penis under his robe and made him 'jack him off for 5–10 minutes.'
>
> [*Id.* at 2–3.]

Sgt. Frasier questioned John Doe 60 on whether the latter was sure that Fr. Lobert was the priest who sexually abused him, summarizing that portion of the interview as follows:

> I asked John Doe 60 how he is positive that it[']s Father Lobert who abused him. John Doe 60 described talking to his therapist, Witness 84, about the abuse at Maxey. John Doe 60 said he observed an ID badge on Witness 84 from Whitmore Lake that took his memory back to his time at Maxey. However, John Doe 60 said it took him about a year to open up about the abuse. John Doe 60 then described how he was abused by a priest who worked at Gabriel Richard. John Doe 60 said Witness 84 asked him if he provided him with a name, would he recognize it. Witness 84 said, "Lobert," John Doe 60 said absolutely that's him, I knew his first name was Richard. John Doe 60 said Witness 84 lead him in the right direction. John Doe 60 said Witness 84 was the first person he told. John Doe 60 said Witness 84 has provided him with extensive work over the year. John Doe 60 said he wants to tell the truth to get himself better.
>
> I asked John Doe 60 I want to be sure this incident was in fact Father Lobert and not someone else. John Doe 60 said,"[i]t was absolutely Father Richard Lobert." John Doe 60 advised he and his brother looked up Gabriel Richard Hish School on-line [sic.] and confirmed it was in fact Father Richard Lobert. John Doe 60 said he was able to put a "name to a face." [*Id.* at 3.]

On December 14, 2020, Sgt. Frasier interviewed Witness 85, a man who was employed at Maxey Boys Training School during the time John Doe 60 alleged the sexual abuse occurred. (*Id.* at 5.) Witness 85 stated that he recalled Fr. Lobert's name as being there "a half dozen times," to celebrate Mass, "but could not provide any other names of clergy who provided services at the school." (*Id.*)

During Sgt. Frasier's December 15, 2020, interview with Fr. Lobert, referenced above, he also questioned Fr. Lobert regarding John Doe 60's allegations. (*Id.*) Fr. Lobert stated that he celebrated Mass on Saturdays or Sundays at Maxeys, except during the summer months, from roughly 1996 to 2001. (*Id.*) Fr. Lobert stated that Reverend Kamuyu, the school chaplain, was his contact person there. (*Id.*) Fr. Lobert further stated that about 10–12 offenders attended his Masses, although he did not know any of them. (*Id.*) He did admit to having heard confessions there, but he did not know how many. (*Id.* at 6.) Sgt Frasier summarized the colloquy between himself and Fr. Lobert, after explaining the allegations John Doe 60 made against Fr. Lobert, as follows:

> At this time, I explain to Richard the allegations are the same in the other report [referring to the John Doe 59 allegations] (Richard grabs the victim's hand and places it on his penis). I asked Richard did something happen. Richard leaned forward and placed his left hand on his forehead, and slowly shook his head back and forth as "no," Richard leaned back, laughs, and says he understands. Richard then says, "no." At this time, I read the statement to Richard from the top of page 3 of the letter from the Diocese. Richard then says the two are not the same, referring to these two incidents. Richard said, "John Doe 59 never alleged an erection." At this point I asked Richard if he is being truthful, Richard says he is with a laugh. Richard says I don't know what else to say. Richard then asks me questions about the victim, and how the victim knows it was Father Lobert. I said the victim looked him up on the school website, Richard said, "ok, aw right.["] I asked Richard could it have been someone else. Richard does not say no, but then says they had a man named Bob [last name] who came to help at Maxey. Richard said, "I'm not trying to name names, but he was asked not to continue." Richard says he knows Bob but does not know his last name.
>
> Richard says, "I don't know what else to say, but I really don't get my kicks from sexual stimulation." I asked Richard if this incident is all false, Richard nods his head yes and says, "yeah."
>
> I asked Richard what he wanted me to tell Bishop Boyea. Richard took a long pause and said, "[w]hat I want you to tell him, (another long pause) you can tell him as God as my witness[,] these things did not happen, and if he's unsure about that, I am very happy to retire at this time."
>
> I asked Richard, why retire if you did not do anything wrong. Richard said, "I don't want to cause hassle for anybody, I do not want to discourage any of the students at the school."

> Richard then says he would just rather die. However, I confirmed that Richard had no intentions, nor would he commit suicide. Richard then went on talking about his family. Richard then says he will be punished for his sins. I asked Richard are you saying that because your sorry for things that actually happened. Richard said, "he's sorry for when he was a teenager that I got into habits of masturbation, we never had pornography then, I'm sorry in my young years I was not faithful to God." Richard then said it was not for these incidents we are discussing. I asked Richard if something ever happened in Baltimore with anyone that we do not know about. Richard said, "no."
>
> [*Id.* at 6.]

Fr. Lobert told the detective that he was being truthful and that he would not lie to the detective. (*Id.*) Sgt. Frasier asked Fr. Lobert if he would be willing to take a polygraph examination. (*Id.* at 7.) Fr. Lobert stated that he would discuss the matter with an attorney and follow up with the detective. (*Id.*) There is no indication in the report that Fr. Lobert ever followed up with Sgt. Frasier.

The Department of Attorney General did not bring any criminal charges based on its investigation. With respect to the allegations of John Doe 60, they fell outside of the statute of limitations. With respect to the allegations of John Doe 59, there was insufficient evidence to bring a criminal charge.

Following completion of the Department's investigation, the Diocese of Lansing retained a private investigator to investigate John Doe 59's and John Doe 60's allegations against Fr. Lobert. The investigations were completed separately, and the results were likewise separately referred to the Diocesan Review Board. The Review Board determined that John Doe 59's allegations appeared to be false. The Review Board found insufficient evidence to determine whether John Doe 60's allegations were true or false. This matter has been forwarded to Rome and its response is pending. In the meantime, the Archdiocese of Baltimore's removal of Fr. Lobert's faculties remains in effect.

(36) FR. RONALD J. LOEHER

Born: February 25, 1940
Ordained: June 5, 1966
Resigned from the priesthood: January 1, 1970

Fr. Ronald J. Loeher was ordained to the priesthood on June 5, 1966, for the Diocese of Lansing. (App'x RJL#1, Letter from Ronald Loeher to Pope Paul VI, dated November 20, 1973.) Fr. Loeher resigned from priestly ministry on January 1, 1970. (*Id.*) On November 20, 1973, Fr. Loeher wrote to Pope Paul VI to petition the Holy See to return to the lay state and be dispensed from the state of celibacy to marry a woman whom he had known for two years. (*Id.*)

By letter dated March 27, 1969, 66th District Court Judge Peter Marutiak wrote to Bishop Alexander Zaleski that, on February 12, 1969, Fr. Loehrer "was arrested by the Flint Police Department and booked without formal charges on the complaint of a sixteen year old white male on a charge of soliciting for immoral purposes." (App'x RJL#2, Letter from Peter Marutiak to Bishop Alexander Zaleski, dated March 27, 1969, p 1.) Judge Marutiak wrote that Fr. Loeher called him in the early morning hours as a friend, after which the judge visited Fr. Loeher in the city jail. (*Id.*) "Some of the evidence recovered consisted of a suitcase of what can roughly be described as pornographic printed material, along with a polaroid camera and dozens of pictures apparently taken by him of young males involved in what apparently were previous escapades." (*Id.* at 1–2.) The judge further wrote: "I have no doubts personally that this was not an isolated case, but involves a long history of conduct which is either illegal, immoral, or certainly not acceptable by the public." (*Id.* at 2.) Judge Marutiak also wrote the following in his letter to Bishop Zaleski:

> At the present time no formal charges have been levied and I am assured through Mr. Wright that if your office, acting through me can present a proper plan, that it will undoubtably be accepted by the prosecutor Mr. Leonard and his staff. This means that for a period of one year the entire matter would rest in the hands of the informal probation department, and if, at the termination of one year nothing detrimental has happened, then the matter will be considered concluded, and all legal remedies foreclosed.
>
> I mention at this time something that you should know. That this particular type of activity is probably the most reprehensible activity in the eyes of law enforcement agents as I have come to know them, and that they have a logical emotional distrust of anything they feel might be a whitewash of such a situation.

> To the best of my knowledge there has been no knowledge of this situation in our local community. The Pastor Father Daniel of course knows of this, but has been told only recently. The suggestion not to tell him at the outset was mine, as I felt kindness and prudence to a good man required both of us not telling him until we had some knowledge of the direction we were going.
>
> The information in Genesee County appears to have been kept quiet and the only leak in our direction has been from one Flint Priest and one Flint Attorney, but I feel no harm has been done.
>
> [*Id.* at 2–3.]

In the same letter, the judge also wrote the following:

> The Citizen's Probation Authorities of Flint has tentatively agreed to accept this voluntary probation subject to the following conditions:
>
> 1. That this non-acceptable activity is treatable. If it is not treatable then either you or they will take action for institutionalization, be it hospital or otherwise. I have assured them if it is not treatable without institutionalization that the chancery will institutionalize.
>
> 2. That he is removed with dispatch from this community to another assignment. I have assured them this is being done, and will take place in the Easter Period. I have already pushed their patience too far on this score. But I have felt that too abrupt a withdrawal prior to this time would have defeated our very purpose, that is an attempt to give no cause for scandal. Should this matter become known in any fashion either by rumor or otherwise, I feel that acting in your behalf in my efforts to protect this community, I can control it, but I could not control it if he were present in the community where direct confrontation were possible.
>
> 3. That until there is a complete release from proper psychiatrist or psychologist authority, he is to do no individual or direct personal counseling with individuals other than in a group or other such situation.
>
> 4. That he be under the supervision of some authority clerical or otherwise, and not be put in a position where he has too much freedom of action.

I mention also what you already know, that this particular man has directly reached into the lives of literally many hundreds of youths in our community in such a fashion that they equate him with all that is good and religious. Should anything be done to destroy this love and this trust, it would be the devil's work.

I therefore make the following recommendations, with due deference to wiser heads than mine:

1. He be removed from this community immediately, but in such a fashion that superficially, at least, the removal may be done with a display of love and honor. For although he has lost the right to both of these the youth of my community have not.

2. That it be made perfectly clear that he is under no circumstances to be given an excuse to return without your permission on specific occasion only to Shiawassee County. To this extent I reluctantly offer myself as a screening authority toward which he may turn for permission. That this same prohibition applies with even more absolute force to Genesee County.

3. That although he has served both God and man well in his work with migrants, because of the extensive travel and contact necessary, that for this year he be removed from the migrant work unless under very close supervision of a superior.

4. That wherever he be assigned it be in such a fashion that he does not have freedom of movement until such time as he has once again earned said freedom.

5. That he continue any prescribed course of psychological treatment until such time as he is medically discharged and realizes in full that despite the legality or morality of the situation it is not acceptable.

[*Id.* at 3–4.]

In or about mid-April of 1969, Fr. Loeher was transferred from St. Joseph Parish in Owosso to Our Lady of Fatima Parish in Michigan Center (the former being in Shiawassee County, and the latter being in Jackson County). (App'x RJL#3, Letter from Peter Marutiak to Bishop Alexander Zaleski, dated April 23, 1969 at 1; App'x RJL#4, Letter from Fr. James Sullivan, see entry no. 49, below, Vice-Chancellor, to Fr. Ronald Loeher, dated April 25, 1969.) In that same timeframe, Fr. Loeher was evaluated by a physician who was a professor and director of the Psychological Clinic at Michigan State University, who supported Fr. Loeher's wish to remain at

his new assignment. (App'x RL#5, Letter from a physician to Fr. James Sullivan, dated May 23, 1969.)

By letter dated August 1, 1969, Fr. Sullivan, vice-chancellor for the Diocese, wrote to Jackson County Sheriff Charles Southworth on behalf of Bishop Zaleski to advise that "Father Loeher's case is being taken care of to the best of our ability" and that "it was recommended that he be given intensive care treatment in order to overcome his deep seated problems." (App'x RJL#6, Letter from Fr. James Sullivan, Vice-Chancellor, to Sheriff Charles South, dated August 1, 1969.) Fr. Sullivan also wrote that "as soon as possible this treatment will begin, and Father Loeher will be transferred from the area." (*Id*.) Ten days later, Fr. Sullivan wrote to Mr. C.A. Adams of Alexian Brothers' Hospital in St. Louis, Missouri, to advise that the bishop endorsed Fr. Loeher's admission into the hospital for treatment. (App'x RJL#7, Letter from Fr. James Sullivan, Vice-Chancellor, to C.A. Alsop, dated August 11, 1969.) On August 21, 1969, Fr. Sullivan again wrote to Alsop, asking him to provide a progress report to Judge Marutiak and a physician, men who had helped the Diocese assist Fr. Loeher, and, without such help, "we would have been in grave difficulties." (App'x RJL#8, Letter from Fr. James Sullivan, Vice-Chancellor, to C.A. Alsop, dated August 21, 1969.)

The following month, Judge Marutiak wrote to a physician at the Alexian Brother Hospital, where Fr. Loeher was being treated, and provided a "factual legal summation" regarding Fr. Loeher. (App'x RJL#9, Letter from Peter Marutiak to a physician, dated September 18, 1969.) Judge Marutiak's letter reads, in its entirety, as follows:

> Dear Doctor:
>
> Pursuant to the request of the Diocese of Lansing the following is a factual legal summation of the above subject [Fr. Loeher]:
>
> February 12th, 1969, he was arrested by the Flint Police Department and booked without formal charges on the complaint of a sixteen year old white male, on a morals charge. Basically, the terminology used was soliciting for immoral purposes. Under Michigan law, the facts as disclosed, if true, would constitute various crimes ranging from misdemeanors to felonies, punishable by terms of up to about ten years in the State institutions.
>
> Through the cooperation of the police agencies in and the prosecutor's offices I was able to intervene in his behalf, and up to this date there have been no formal charges drawn against him. Genesee County, Michigan, the situs of the alleged crime, has what is called a Citizen's probation Authority. Certain types of cases are permitted to volunteer themselves into an informal probation status, and if at the end of one

year no further accusations have been made, and if rehabilitation appears to have been effected, then no criminal charges will be levied and the matter will be closed. To this volunteer probation authority are normally assigned only certain types of cases. Excluded are those of a repetitious nature, and those involving crimes of sexual behavior. Based on his own admissions, and on the evidence in the hands of the police, Ronald Loeher did not qualify for this authority, but they did cooperate with me and permitted us to move in this direction.

Mr. Loeher apparently admits the act of solicitation but denies any actual copulation. However, the police have in their possession more than a suitcase of pornographic printed material, along with a polaroid camera and pictures taken by it of this young man. In addition they have literally dozens of such pictures taken of other young males in what the interpret to be situations either preceding, during, or after immoral acts. I have no doubt the prosecution could either sustain conviction on this or other charges or come extremely close. It is extremely important, I believe, to our Diocese that I get possession of and destroy all this evidence.

The director of the probation authority and the prosecutor's staff has given me informal promises upon which I may rely, that if he fulfills certain conditions at the end of the year this matter will be terminated and I may have possession of all items in their possession.

Rather recently he was picked up under similar circumstances in Jackson, Michigan, where I understand the matter has been adequately buried and has been referred to chancery for action. The police authorities of Genesee County are aware of this repetitious situation, as I am, having learned of it through normal police circles. This was clearly a violation of the trust they had imposed in him and in me, and they still appear to be willing to cooperate with me based upon certain premises. These are that he does not return to this community, or at least at this time, and that he be institutionalized. Originally, in all of our conversations, the terms given me, and I agreed to them, were:

1. That this non-acceptable activity is treatable. If it is not treatable then we would either institutionalize him by hospital activity, or they would institutionalize him, if possible, by prison. We still face these alternatives[.]

2. That he would be removed from this community. This was done in a manner that I suggested through the cooperation of the chancery.

3. That until there is a complete release from proper psychiatric authorities he is to do no individual or direct personal counselling with individuals other than in a group.

4. That he be under the supervision of some authority, clergical or otherwise.

I may summarize the legal situation in the following fashion. If I can avoid any further outburst of activity or any possible return to this community for the balance of a year, and if then he can produce medical verification that the matter has been treated and is in abeyance, I feel sure I can conclude all legal threats. If I cannot do these two things the possibility of criminal prosecution on a major charge is great.

I appreciate this opportunity of giving you this information but would like to add now a word of personal comment. Having seen the reaction of this man on the youth of my community I feel strongly that although he is an immature and unintentionally selfish young man, he has a great potential for good. I also feel quite strongly he has a great potential for harm to the youth that I love. In my case I would make great personal sacrifice to help him, but would not hesitate to sacrifice him totally if it were necessary to do so to protect the youth in the community that he has so impressed.

Very sincerely yours,

Peter J. Marutiak

[*Id.* at 1–3.]

In October of 1973, Fr. Loeher, a then resident of Missouri, informed Bishop Zaleski and then Auxiliary Bishop Sullivan that he had "found the woman of his dreams after a long courtship and would like to marry her according to all of the rites and laws of the Catholic Church as soon as possible." (App'x RJL#10, Letter from Ronald Loeher to Bishop Alexander Zaleski, dated October 13, 1973; App'x RJL#11, Letter from Ronald Loeher to Bishop James Sullivan, dated October 13, 1973.) Bishop Zaleski agreed to endorse a petition for laicization, and by letter dated November 20, 1973, Fr. Loehrer wrote to Pope Paul, VI, requesting to be returned to the lay state and dispensed "from the state of celibacy and the recitation of the Divine Office." (App'x RJL#12, Letter from Auxiliary Bishop James Sullivan to Ronald Loeher, dated October 19, 1973.)

(37) FR. STEVEN F. MAKRANYI

Born: February 20, 1943
Ordained: June 7, 1969
Restricted from public ministry: June 4, 2009

Fr. Steven F. Makranyi was born on February 20, 1943, in Flint, Michigan, and was ordained to the priesthood on June 7, 1969, at St. Mary Cathedral in Lansing, Michigan. (App'x SFM#1, Priest Personnel Data sheet.)

By letter dated January 4, 2005, Fr. Timothy MacDonald, pastor of Most Holy Trinity Parish in Fowler, Michigan, wrote to Msgr. Michael Murphy to follow up a complaint made by 16-year-old Jane Doe 27, against Fr. Makranyi, who was then serving as the administrator of Most Holy Trinity Parish in Fr. MacDonald's absence. (App'x SFM#2, Letter from Fr. Timothy MacDonald to Msgr. Michael Murphy, dated January 4, 2005.) Fr. MacDonald wrote that he spoke to Fr. Makranyi to advise him of the complaint and to not initiate any contact with Jane Doe 27. (*Id.* at 2.) The two priests also agreed that Fr. Makranyi "should refrain from comments and gestures that could be perceived wrongly and cause confusion." (*Id.*) He further wrote that Jane Doe 27 was advised to not take Communion from Fr. Makranyi "and to exit by a side door for the near future." (*Id.*) Enclosed with Fr. MacDonald's letter to Msgr. Murphy was a one-page report written by the director of religious education, who met with Jane Doe 27 regarding her allegations. (App'x SFM#3, Unnamed Hotmail email, dated January 4, 2005.) In that summary, the director wrote that Jane Doe 27 claimed that, soon after Fr. Makranyi came to the parish, he shook her hand and told her she was "adorable." (*Id.*) Every time she went to receive Communion during Mass, Fr. Makranyi allegedly grabbed and held one of her fingers and said "hello, dear." (*Id.*) Jane Doe 27 also alleged that, when she sat on the end of a pew in the center aisle, Fr. Makranyi would always waive to her during the procession. (*Id.*) On another occasion, Fr. Makranyi allegedly hugged Jane Doe 27 as they were exiting the church. (*Id.*) Jane Doe 27 thought Fr. Makranyi's conduct was "weird," and he made her feel uncomfortable. (*Id.*) Jane Doe 27's mother told the director of religious education that Fr. Makranyi had also told her and her other daughter that they were "adorable." (*Id.*)

By letter dated January 7, 2005, Msgr. Robert Lunsford wrote to Fr. Makranyi to advise that Fr. MacDonald informed Bishop Carl Mengeling about the complaint, and the bishop "is satisfied that the matter is now resolved." (App'x SFM#4, Letter from Msgr. Robert Lunsford to Fr. Steven Makranyi, dated January 7, 2005.) Msgr. Lunsford also wrote that, when certain "compliments or gestures are offered to the young[,]" there is a "potential for misunderstanding[.]" (*Id.*) He wrote that, "for obvious reasons, personal exchanges are not appropriate in the distribution of the Eucharist." (*Id.*)

On January 19, 2005, the Most Holy Trinity school principal wrote to Msgr. Lunsford, expressing concerns about Fr. Makranyi's "inappropriate behavior." (App'x SFM#5, Letter from the principal to Msgr. Robert Lunsford, dated January 19, 2005.) Specifically, she stated that a seventh-grade female student alleged that Fr. Makranyi thrice kissed her, once on the forehead, and twice on the cheek. (*Id.*) The student wrote her account of Fr. Makranyi's behavior toward her, a copy of which the principal included with her letter to Msgr. Lunsford. (*Id.*) The principal wrote the following:

> Father Steve's inappropriate behavior is alarming to me. An important part of my job as principal is to make sure the students of MHT School are in a safe environment. I do not feel that I can guarantee that with Fr. Steve as pastor. The student that came forward realized that Father Steve's actions and words were not appropriate for any adult with a 7th grade student. Fortunately, this student's mother has already taken action to protect her daughter.
>
> It is my hope that the diocese will address this issue and understand that it is serious. My staff does not know anything about this, but at some point I think that they need to be aware of problems. I want to make sure that this inappropriate behavior is not repeated with this particular or any other students. I would appreciate guidance from you or someone from the diocese on how we should approach this subject with staff members and parents if this issue becomes known within the school and/or the parish community.
>
> [*Id.*]

The female student who was the subject of the principal's letter also alleged that Fr. Makranyi put his hand on her cheek, hugged her after Masses, rubbed his hand on her cheek, grabbed her hand and rubbed it in his chest, told her he loved her, told her she was beautiful, grabbed her finger when giving her Communion and telling her it was nice to see her, told her she looked lovely, and singled her out among her friends. (App'x SFM#6, Enclosure to Letter, from the principal to Msgr. Lunsford, titled, "Fr. Steve," dated January 7, 2005.)

On January 20, 2005, Bishop Mengeling and Msgr. Lunsford met with Fr, Makranyi regarding the seventh-grade girl's complaint "and admonished him to desist from any behavior which could be misinterpreted e.g., referring to young girls as 'my dear', hugs, kisses on the forehead or cheek, holding hands or rubbing them, grabbing fingers at the distribution of Holy Communion, etc." (App'x SFM#7, Memo from Msgr. Robert Lunsford to File, dated January 20, 2005.) "Fr. Makranyi understood and agreed and said he had observed all we said in our letter of January 7, 2005." (*Id.*)

On March 3, 2005, Fr. Roy Horning, pastor of St. Robert Bellarmine Parish in Flushing, Michigan, wrote to Msgr. Lunsford about some alleged inappropriate conduct between Fr. Makranyi and young women. (App'x SFM#8, Letter from Rev. Roy Horning to Msgr. Robert Lunsford, dated March 3, 2005, p 1.) Fr. Horning wrote that the owner of a salon and her daughter reported that Fr. Makranyi began to pay "an inordinate amount of attention" to Jane Doe 28, an attractive 23-year-old salon employee. (*Id.*) They alleged that Fr. Makranyi "would come in and take her hands in his and caress and massage her arms with his hands and call her 'Dear.' " (*Id.*) On one occasion, "Fr. Makranyi [allegedly] grabbed her hands and proceeded with his usual caressing of her arms and then took her face in both his hands and firmly kissed her on the lips." (*Id.*) The salon owner opined that Fr. Makranyi "was not a healthy priest and needed professional help[.]" (*Id.*) She believed that his conduct led many people to stop attending St. Robert Bellarmine Church. (*Id.* at 2.)

In the same letter to Msgr. Lunsford, Fr. Horning also reported that Witness 89 alleged that his eighth-grade daughter, Jane Doe 29, was kissed by Fr. Makranyi on the neck. (*Id.*) Fr. Horning also wrote that Witness 122, a longtime St. Robert Bellarmine parishioner, "stated that Fr. Makranyi was an overly touchy priest in a manner that made many women uncomfortable." (*Id.*)

By letter to Bishop Mengeling dated April 13, 2005, Fr. Makranyi confirmed an understanding reached between the two men during a previous meeting, specifically that, after his temporary assignment as administrator of Most Holy Trinity Parish concluded (when Fr. MacDonald returned from Rome), he would be without an assignment within the Diocese. (App'x SFM#9, Letter from Fr. Steven Makranyi to Bishop Carl Mengeling, dated April 13, 2005.) Fr. Makranyi wrote that he would enroll into a sabbatical program, as was suggested by the bishop. (*Id.*)

In a letter dated August 18, 2006, the director of religious education of Holy Spirit Parish in Hamburg, Michigan, wrote to Bishop Mengeling to advise that three female parishioners reported that Fr. Makranyi was "overly affectionate with them," causing them to be "uncomfortable." (App'x SFM#10, Letter from the director of religious education at Holy Spirit Church to Bishop Carl Mengeling, dated August 18, 2006, p 1.) The director wrote that the alleged conduct included "kissing them on the cheek many times, waiting for them to come out of the 'cry-room' to kiss them on the cheek, kissing them many times on the hand, etc." (*Id.*)

In a memorandum dated June 2, 2009, Fr. Larry Delaney wrote the following:

> On Tuesday, May 12, 2009, Witness 91 called me to tell me a story about a man visiting their bakery.
>
> On Tuesday, May 5, 2009, this man who turned out to be Father Steve Makranyi, visited the bakery and met Jane Doe 30 who is 15 years old. He told her how beautiful and sweet she was, and when he left[,] he

> blew her a kiss. Jane Doe 30 was somewhat taken aback and frightened by this encounter. He returned every night (May 6 & 7) wanting to say hello to Jane Doe 30. He told them at the bakery that he had a gift for Jane Doe 30. He came in on Friday noon and gave the gift (which was slippers) to Witness 91 to give to her daughter Jane Doe 30. Up until this time neither Witness 91 nor her daughter Jane Doe 30 knew that he was a priest. He also talked to Witness 91, Jane Doe 30's mother, and told her how sweet and pretty she, Witness 91, was and also made the kissing sound to her.
>
> Witness 91 received a letter dated May 1[2], 2009, mailed to the bakery, from Father Steve. This is when they realized he was a priest.
>
> Witness 91 contacted Father Larry Delaney because she did not know what to think about his words and actions. She said "[e]ither he is a sweet, lonely man, or he has got a problem." She asked Father Delaney to find out from the bishop's office if there was a problem. She said she would not want to accuse anyone or hurt anyone, but she thought it was quite inappropriate all that happened and made people uncomfortable.
>
> For some reason Witness 91 gave the letter to the chief of police in DeWitt. I talked to the chief of police, and he said there was nothing criminal in the letter; but there certainly could be some boundary issues.
>
> Witness 91's main concern was that her daughter not be afraid of priests. Even though nothing happened, it made an impression on her.
>
> [App'x SFM#11, Memorandum by Fr. Larry Delany, dated June 2, 2009.]

In the May 2009 letter referenced in Fr. Delaney's memorandum, Fr. Makranyi congratulated Witness 91 for "your honors at the Crisco Nationals" and wrote that, when he was in her bakery the previous week, he met her daughter Jane Doe 30 and "immediately fell in love with her." (App'x SFM#12, Hallmark card from Fr. Steve Makranyi to Witness 91, dated May 12, 2009, p 3.) He wrote that "it was a wonderful experience to meet you and to see Jane Doe 30." (*Id.*) He also wrote that he would "happily drive from Flint to see you both again[.]" (*Id.*) He signed the card "Love, Fr. Steve Makranyi." (*Id.*)

On June 4, 2009, Fr. Makranyi withdrew his acceptance "of the nomination to be pastor of Holy Rosary Parish, Flint, for personal reasons, and at the same time, petitioned for Senior Priest Status [retirement]." (App'x SFM#13, Withdrawal of Acceptance of Nomination Petition for Senior Status of Reverend Steven Makranyi, dated June 4, 2009.) Also on June 4, 2009, because of all of the foregoing

allegations, Bishop Earl Boyea issued a precept, restricting Fr. Makranyi's priestly faculties, as follows:

> 1. There is to be no further behavior interpreted as romantic as described above with anyone, especially minors.
>
> 2. You may not celebrate Mass publicly alone in any parish or institution. You may celebrate Mass with another priest or deacon. This includes weekday, weekend or Holyday, funerals or weddings. You may celebrate Masses privately in your residence.
>
> 3. You may concelebrate Masses that are diocesan/regional in nature. You may participate in special Masses, with permission of the Ordinary.
>
> 4. You may continue to use the title, "Father" and may wear clerics.
>
> 5. You may participate in the Convocation and concelebrate the liturgies.
>
> 6. You are not to celebrate any sacraments, except for those permissible in the *Code of Canon Law,* i.e., *in pericolo mortis*.
>
> 7. At the same time, I urge you to maintain your fidelity to the Divine Office, make regular visits to your spiritual Director and/or confessor.
>
> [App'x SFM#14, Precept by Bishop Earl Boyea dated June 4, 2009, pp 1–2.]

As part of this investigation, in October 2020, legal counsel to the Diocese of Lansing emailed the Department of Attorney General a copy of a report prepared by the Diocese's investigator that stated that Jane Doe 31 alleged that, in or about 1990 when she was an early elementary student at St. Mary School in Williamston, Fr. Makranyi repeatedly kissed her over her face and pulled her "into his crotch area during hugs." (App'x SFM#15, Tip No. 100, p 15, on Department's Tip Spreadsheet Regarding the Diocese of Lansing.) In June 2021, the Department notified the Diocese of Lansing that it was declining to investigate the matter as it was beyond the statute of limitations. The Diocese of Lansing retained a private investigator to investigate this allegation. In October 2021, the investigative results were referred to the diocesan Review Board which, while unable to conclude that the allegation constituted a credible allegation of sexual abuse of a minor, concluded that the existing restrictions on Fr. Makranyi's public ministry should remain in place.

(38) FR. FRANCIS T. MARTIN

Born: October 5, 1916
Ordained: April 17, 1943
Died: September 23, 2011

Fr. Francis T. Martin was born on October 5, 1916, in Howell, Michigan, and was ordained to the priesthood on April 17, 1943, at St. Mary Cathedral in Lansing, Michigan. (App'x FTM#1, Priest Personnel Data sheet.) Fr. Martin died on September 23, 2011.[34]

On June 2, 2010, during a meeting with diocesan VAC Adrienne Rowland and Sally Ellis, the Diocese of Lansing Safe Environment Coordinator, John Doe 61, alleged that, in 1966–1967, he was "raped" by Fr. Martin when John Doe 61 was an altar boy at Resurrection Parish in Lansing. (App'x FTM#2, Confidential Notes from meeting with John Doe 61, Wednesday, dated June 02, 2010, p 1.) John Doe 61 believed that he was in the first grade when the alleged sexual abuse took place. (*Id.*) John Doe 61 said that his memories of the alleged sexual abuse had been suppressed until five years before making the report to Rowland and Ellis. (*Id.*) He also alleged that the sexual abuse occurred more than once, and he remembered performing oral sex on Fr. Martin, which made him throw up "a lot." (*Id.*) John Doe 61 alleged that, the last time there was oral sex, Fr. Martin "went down on" John Doe 61. (*Id.* at 2.)

During that June 2010 meeting, John Doe 61 also told Rowland and Ellis that the first incident with Fr. Martin occurred in the sacristy of the church, and a "wild German" said "[r]ape the bitch," and so Fr. Martin allegedly raped John Doe 61. (*Id.* at 1.) John Doe 61 alleged that the German was in the hallway, and then he left the church. (*Id.*) John Doe 61 thought Fr. Martin was scared because "why else would he do that? Because I don't think he was gay." (*Id.*)

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[34] See https://www.palmerbush.com/obituaries/Rev-Fr-Francis-T-Martin?obId=29835055 (last accessed December 12, 2024).

During that same June 2010 meeting, Rowland and Ellis advised John Doe 61 that Rowland's report of the meeting regarding John Doe 61's allegations would be sent to the Diocesan Review Board, after which a meeting would be scheduled for John Doe 61 to review the matter with Review Board members. (*Id.* at 4.) John Doe 61 stated that he would be willing to meet with the Review Board. (*Id.*)

On June 19, 2010, Msgr. Steven Raica met with Fr. Martin and informed him of the allegation by John Doe 61. (App'x FTM#2-2, Memorandum from Msgr. Steven Raica, dated Jun 19, 2010.) According to Msgr. Raica, Fr. Martin was "stunned by the allegation since he claims to have never been involved in this kind of activity nor is he inclined in that direction." (*Id.*) He also said that "he has never had this kind of allegation made against him before." (*Id.*) Fr. Martin was also informed that since the allegation involved a minor, the matter would be reported to the prosecutor per the agreements by the Diocese of Lansing and the various prosecutor offices. (*Id.*) Diocesan files confirm that, on June 29, 2010, the Diocese referred the allegation to the Ingham County Prosecutor. The diocesan letter noted Fr. Martin's outstanding reputation and the anomaly of the accuser's claim to have been an altar server in first grade (presumably before his First Communion). The letter also noted that the accuser had disclosed that he had been diagnosed with schizophrenia.

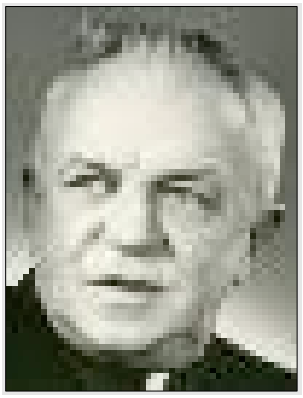
The following month, by letter dated July 16, 2010, John Doe 61 wrote the following to Fr. Martin:

> I am writing to you regarding the time I served as an altar boy at Resurrection Parish in Lansing Michigan during the years of 1966 and 1967. At that time I was six years old and first began my service to the Church as an altar boy during your 6:00 a.m. week day masses. You were the officiating Priest during that time and I was the only altar boy that served with you during the above mentioned masses, dates and times.
>
> Although I still maintain and cherish my current ties with the Church and the Catholic faith, I have less than positive memories of the time in my life when as a young child I served the church in the capacity that is mentioned above. My memories of that time are filled with hurt, anger, fear, distrust and disgust. During my time as your altar boy I found myself at your mercy and was terrified to have been the victim of sexual abuse at your hands. Having been a young child at the time your daily abuse and threats to expose me as a liar, cause me ridicule and further pain at the hands of my family, friends and other church and school officials has since been a negative force in my life. As a result of your abuse both sexual and mental, I have struggled to live my life as a Christian and have experienced ongoing mental distress that is still yet to be resolved. I feel you robbed me of any chance at having a normal life due to the continued distress and

> mental anguish that your abuse to me has caused. As a grown man I am challenged daily to find it in my Christian heart to feel any semblance of forgiveness toward you and wonder how many other lives you chose to destroy in such a self centered and narcissistic manner.
>
> At the time that you sexually abused me I held my faith close and prayed that God would rescue me from your ongoing emotional self pleasure. Your continued sexual abuse toward me only served to cause my ongoing emotional distress and distrust of the Church. While it has been brought to my attention that you may be unable to atone for your sins against me and that no apology can be expected from you, this letter serves as my first step to closure for the horrible emotional tumult that has been my life. I trust that your explanation to our God for these sins will not be a sufficient one and that your punishment at His hands will be my final deliverance from evil.
>
> [App'x FTM#3, Letter from John Doe 61 to Fr. Francis Martin, dated July 16, 2010.]

The Fr. Francis Martin file does not contain the determination made by the Diocesan Review Board or whether the bishop took any action toward Fr. Martin, although the Diocese confirmed that Fr. Martin was not restricted from ministry as a result of this allegation, which is what would have occurred had the Review Board found the allegation credible. Typewritten notes of the Review Board's meeting were found in the file of Fr. John Martin, see entry no. 39 below, apparently misfiled, which stated that "[i]t was the consensus of the Review Board that the Church wants to help the victim to continu[e] his healing process." (App'x FTM#4, Notes from Review Board Meeting, dated June 17, 2010, p 2.) The Review Board "encouraged the victim to attend the Healing Retreat" and "suggested the victim write a letter to the bishop." (*Id.*) No other allegations of sexual abuse were found in the Fr. Francis Martin file.

(39) FR. JOHN EDWARD MARTIN
(ON DIOCESE OF LANSING AND ARCHDIOCESE OF DETROIT CREDIBLY-ACCUSED CLERGY LISTS AND ON THE BISHOP ACCOUNTABILITY SITE.)



Born: May 8, 1890
Ordained: November 24, 1918
Died: November 9, 1968

Fr. John Edward Martin was born in Detroit, Michigan, on May 8, 1890, and was ordained to the priesthood on November 24, 1918, at Sts. Peter & Paul Cathedral in Detroit, Michigan, for the Archdiocese of Detroit. (App'x JEM#1, The Diocese of Lansing priest data sheet; App'x JEM#2, *The First 100 Years, A History, St. Isidore Catholic Church, 1902–2002*, Fr. John Edward Martin, 1941–66.) When the Diocese of Lansing was established in 1937, Fr. Martin, who was then ministering at St. Philip Parish in Battle Creek, automatically became a Diocese of Lansing priest and remained as such until he died in 1968. (App'x JEM#3, Assignments of Fr. John Martin.) While serving in the Lansing Diocese, Fr. Martin was stationed at St. Philip Parish in Battle Creek, Michigan, from 1932 through 1938; St. Mary Parish in Morrice, Michigan, from 1938 through 1941; and St. Isidore Parish in Laingsburg, Michigan, from 1941–1966. (*Id.*) He retired to senior priest status in 1966. (*Id.*) Fr. Martin died on November 9, 1968. (*Id*.)

On June 9, 2010, Fr. Duaine Pamment wrote to Msgr. Steven Raica and reported that, several years earlier, John Doe 62, a St. Isidore Parish parishioner, told Fr. Pamment "about regular occurrences of pedophilia involving John Martin[.]" (App'x JEM#4, Letter from Fr. Duaine Pamment to Msgr. Steven Raica, dated June 9, 2010, p 1.) Fr. Pamment wrote that he also believed that one of John Doe 62's brothers was "similarly involved." (*Id.*) Fr. Pamment wrote that, at that time, he wrote a letter to Bishop Kenneth Povish and reported the allegation, but "never heard any more about it." (*Id*.) Fr. Pamment further advised Msgr. Raica that, just recently, someone from the John Doe 64's family took down a picture of Fr. Martin after the John Doe 64 after funeral and put it into a neighbor's trash container. (*Id.*) A young man, who did not identify himself, called Fr. Pamment and told him he threw the picture away because "Fr. Martin had deeply affected the lives of many of

his family in a very negative way." (*Id.*) Fr. Pamment wrote that the funeral director told him that "some members of the family had repeatedly referred to Fr. Martin as a pedophile." (*Id.*)

In the same June 2010 letter to Msgr. Raica, Fr. Pamment also reported that John Doe 128 recently "talked to me specifically about Fr. Martin and his unacceptable behavior with him and several other boys many years ago." (*Id.*) Fr. Pamment wrote that John Doe 128 was willing to talk about the matter, and Fr. Pamment believed that John Doe 62 would also be willing to "tell his story." (*Id.* at 2.)

On June 24, 2010, VAC Rowland met with John Doe 62, who was accompanied by his wife and Fr. Pamment. (App'x JEM#5, Confidential Notes of meeting With John Doe 62, St. Isidore Parish, Laingsburg, Michigan, dated June 24, 2010, p 1.) John Doe 62 alleged that he started altar serving at St. Isidore Parish when he was 11 years old in the late 1950s, and, a year or two later, Fr. Martin started sexually abusing him. (*Id.*) In her notes regarding the meeting with John Doe 62, VAC Rowland wrote the following:

> Father Martin started John Doe 62 smoking cigarettes at the age of 13. John Doe 62 said he and FJM would go to church before Mass, and FJM would say to John Doe 62, "Let's have a cigarette before we go to church."
>
> FJM began the abuse by taking John Doe 62 up to his (FJM's) bedroom. He would have John Doe 62 undress and FJM would fondle him sexually. John Doe 62 said FJM always made sure that John Doe 62 ejaculated.
>
> John Doe 62 worked on Church grounds, mowing the lawn, weeding the flowers, planting, and FJM would say to John Doe 62: "Why don't you take a shower before you go home, and you won't be such a mess." Many times FJM would undress and get into the shower with John Doe 62, then the sexual abuse would go on during that period of time. This occurred many times. FJM would keep wine by his desk where they would play cards and smoke cigarettes, and they would drink wine quite often.
>
> When John Doe 62 got to be a little older, he tried to stay away from the rectory. However, FJM would call John Doe 62's mother and ask that she send John Doe 62 to the rectory because he had some jobs for him. John Doe 62 said it was hard to stay away. John Doe 62 said FJM figured that John Doe 62 would not tell his parents about the abuse, and John Doe 62 was not sure his parents would believe him even if he did tell.
>
> [*Id.*]

John Doe 62 stated that Fr. Martin never asked John Doe 62 to perform a sexual act on Fr. Martin. (*Id.* at 2.) John Doe 62 also alleged that the sexual abuse continued until he was 15 or 16 years old. (*Id.*) John Doe 62 told Rowland that he knew of other boys who were abused by Fr. Martin, and he witnessed Fr. Martin attempting to sexually abuse other boys; however, he did not disclose the names to Rowland. (*Id.*)

Rowland apologized for the sexual abuse John Doe 62 allegedly suffered and told him it was wrong and was not his fault. (*Id.* at 3.) She also asked him what the Diocese could do for him to help him heal. (*Id.*) She advised him that he could attend a healing retreat at the St. Francis Retreat Center. (*Id.*) John Doe 62 declined VAC Rowland's offers of counseling and meeting with the Diocesan Review Board, and said he was not sure if he wanted to attend a retreat. (*Id.*) "All John Doe 62 want[ed] [was] to go to church, receive the sacraments, not feel guilty and responsible for the abuse happening, not feel that he did something wrong." (*Id.*)

On June 24, 2010, Rowland also interviewed John Doe 128 at St. Isidore Parish, regarding his experience with Fr. Martin. (App'x JEM#6, Confidential Notes of Meeting with St. Isidore Parish, Laingsburg, Michigan, regarding John Doe 128, dated June 24, 2010.) John Doe 128 said that, when he was 12 years old, Fr. Martin hired him, at the suggestion of John Doe 128's friend who was already working for the priest, to help mow the parish lawn. (*Id.* at 2.) Fr. Martin allegedly started to sexually abuse John Doe 128 the following year in the 1960s, which Rowland summarized in her report:

> John Doe 128 said he would perspire a lot when he cut the lawn, and several times FJM asked John Doe 128 if he would like to take a bath to freshen up before he went home. There were no showers in those days. Where John Doe 128 lived there was no indoor plumbing and he would have to take a bath in a little wooden tub. John Doe 128 said upstairs in the rectory there was a bathroom located on one side of FJM's bedroom. John Doe 128 said two or three times a week he would take a bath at the rectory. One day when he was taking a bath, FJM came into the bathroom completely naked. John Doe 128 was about 13 years old at the time. FJM touched John Doe 128 then got in the tub behind John Doe 128, pushed John Doe 128 over and then penetrated John Doe 128 from behind. When he was done, he got out of the tub, dried off and went into his bedroom. He told John Doe 128 to finish his bath then come downstairs. FJM went downstairs. John Doe 128 finished his bath, went downstairs where FJM was lying on the sofa, and he said: 'Remember John Doe 128, I'm a direct line to God. Whatever happens in this house must stay in this house or you will be punished.' John Doe 128 said as a child he believed he would be punished if he told anyone. He said in those days, he knew a 'punishing' God not a 'loving' God. John Doe 128 said he didn't even

> think about telling anyone because 'he was father Martin.' How was he going to do anything against FJM, 'after all he was like a dad to me to tell you the truth."
>
> [*Id.*]

John Doe 128 alleged that Fr. Martin, who was missing three fingers on one of his hands, penetrated him two-to-three times monthly until the age of 16 ½ years, and "fondling and penetration was not the extent of what FJM did, but it [was] all John Doe 128 [was] willing to share" with Rowland. (*Id.* at 3–5.) However, John Doe 128 did tell Rowland that Fr. Martin also allegedly had John Doe 128 perform sex acts on Fr. Martin. (*Id.*) John Doe 128 alleged that all of the sexual abuse took place in the rectory. (*Id.* at 5.) John Doe 128 also alleged that, on one occasion, Fr. Martin "brought another priest over who sexually abused John Doe 128 as well." (*Id.* at 2.) John Doe 128 did not know that priest's name. (*Id.*)

John Doe 128 told Rowland that "in some ways FJM was a good man, but he had a terrible sickness that hurt a lot of people." (*Id.* at 4.) John Doe 128 alleged that he knew of other boys who were abused by Fr. Martin, but he was not willing to provide their names. (*Id.* at 3.) John Doe 128 alleged that Fr. Martin had hurt "one entire family." (*Id.*) John Doe 128 stated that the sexual abuse did not hurt him physically; however, "he has suffered mentally." (*Id.* at 5.) The sexual abuse has "absolutely ruined" his sex life with his wife. (*Id.*) "John Doe 128 prayed to God that if he [John Doe 128] is the person keeping FJM's soul out of heaven, to please accept it." (*Id.*) John Doe 128 stated that his "support and therapy needs" were met, "and he is not looking for anything from the Diocese of Lansing." (*Id.*)

By letter dated July 16, 2010, Msgr. Steven Raica notified Msgr. Robert McClory of the Archdiocese of Detroit that the Lansing Diocese had recently received two unrelated allegations of sexual abuse against Fr. Martin and requested that Msgr. McClory review the Archdiocese's file on Fr. Martin from his service there and advise whether there was anything in the file "pertaining to this matter[.]" (App'x JEM#7, Letter from Msgr. Steven Raica to Msgr. Robert McClory, dated July 16, 2010, pp 1–2.) Msgr. Raica further advised that, because Lansing diocesan officials believed the allegations might be true, the Diocese of Lansing was having notices published in the church bulletins in parishes where Fr. Martin was stationed to ascertain whether there are other victims. (*Id.* at 2.) The following month, Msgr. Michael Bugarin of the Archdiocese of Detroit wrote Msgr. Raica and advised that the Fr. Martin files were searched, and there was nothing in them "that would assist you in your investigation." (App'x JEM#8, Letter from Msgr. Michael Bugarin, Delegate of Archbishop Allen Vigneron, Episcopal Vicar for Clergy Misconduct, to Msgr. Steven Raica, Chancellor, dated August 19, 2010.)

On August 3, 2010, in response to the notice published in the church bulletins, John Doe 63 called Msgr. Raica and alleged that Fr. Martin gave him "blow jobs" over a period of six years, commencing when John Doe 63 was in seventh grade and ending

when he was a senior in high school in Laingsburg. (App'x JEM#9, Memorandum from Msgr. Seven Raica to File, dated August 3, 2010 at 1.) He further alleged that he and John Doe 64 reported the sexual abuse to Bishop Joseph Albers, and the bishop made them swear on the Bible that they would never speak of it again. (*Id.*) John Doe 63 alleged that Fr. Martin would sexually abuse boys and then hear their confessions and forgive them. (*Id.* at 2.) He alleged that other victims included John Doe 65; John Doe 122 (deceased); John Doe 69 (deceased); John Doe 123 (deceased); John Doe 68; and John Doe 124. (*Id.*)

On August 4, 2010, John Doe 63 sent Msgr. Raica a follow-up email, advising that Witness 95, who still lived in Laingsburg, sent the notice published in the St. Isidore Church Bulletin to Witness 96, who lived out of state. (App'x JEM#10, Email from John Doe 63 to Msgr. Raica, dated August 4, 2010.) Witness 95 told John Doe 63 that he thought the sexual abuse affected John Doe 64's "whole life" more than the others. (*Id.*) He further stated that Fr. Martin told John Doe 64 that, if he told anyone, he would throw John Doe 64's entire family "out in the street[.]" (*Id.*)

John Doe 63 was an altar boy and worked at the church during the years he was allegedly abused by Fr. Martin. (*Id.*) Other boys who allegedly "suffered the same fate" were John Doe 64, John Doe 65, and John Doe 127. (*Id.*) John Doe 63 wrote that he was "100 percent sure that Father performed oral sex on John Doe 125 while we were on a fishing trip to Lake of the Woods, Canada." (*Id.*) John Doe 63 also wrote the following in his follow-up email to Msgr. Raica:

> It is too bad that your predecessor decided to destroy all record of my trip to the Chancery in about 1958 or 9. It may have while [sic.] I was a freshman (57–58) school year at WMU because I didn't have a car on campus and Fr. Taylor gave me the ride to Lansing. In the initial meeting I outlined everything I knew about Fr. Martin's actions and was met with s[k]epticism. After all, he was a priest and a coach and he wouldn't be doing such things. I told them that John Doe 64 could verify my story, but also told that he might be reluctant to say anything because the John Doe 64s were living in a house rented from the church and the rumor was that Fr. Martin had put John Doe 123 through Alma College and was also picking up the tab for John Doe 69 at the same school. Anyway, I was invited back in a few weeks and after questioning me again they said they had not found anyone to corroborate my story. At that time they brought John Doe 64 in from a different room and he denied anything had ever happened and put his hand on the bible and swore to God nothing had happened. Your predecessor then had both of us swear on the bible that we would never mention it again. In retrospect, I should have said 'hell, no' and demanded to see the Bishop. But, I did like Father Martin and didn't want to see him in jail[.] (I just wanted him out of the priesthood and

> not in a position to abuse my foster brothers, Witness 98B, Witness 98C who were coming along four and six years behind me. I'm afraid my effort did little good as evidenced by Witness 95's reply (above) who indicates John Doe 68 was violated.
>
> [*Id.* at 2.]

By email dated August 4, 2010, Msgr. Raica replied to John Doe 63 and thanked him for contacting him "and [for] your courage to recount these matters that occurred so long ago[.]" (App'x JEM#11, Email from Msgr. Steven Raica, Chancellor, to John Doe 63, dated August 4, 2010, p 1.) Msgr. Raica advised that because he could not find any reference to John Doe 63's report to the Diocese in the late 1950s, he would ask the diocesan archivist to go through the "personal papers of Bishop Albers to see if there are any notes about this conversation." (*Id.*) He further wrote that he did not "want to conclude that papers and documents were destroyed or lost until we actually look there." (*Id.*) Msgr. Raica also invited John Doe 63 to provide additional details regarding possible other victims and asked where the alleged sexual abuse took place. (*Id.*) Msgr. Raica also advised John Doe 63 that Bishop Earl Boyea was available to him as were healing retreats. (*Id.* at 2.)

On August 5, 2010, John Doe 63 replied to Msgr. Raica's email and advised that, on one occasion, he and John Doe 64 were sequentially sexually abused by Fr. Martin "in the company of each other[;]" however, he could not actually see what Fr. Martin did to John Doe 64, but there was no doubt in his mind what was being done, and after Fr. Martin "finished" with John Doe 64, he "performed oral sex" on John Doe 63. (App'x JEM#12, Email from John Doe 63 to Msgr. Raica, dated August 5, 2010.) John Doe 63 wrote that all of the alleged sexual abuse took place at the rectory and church grounds. (*Id.*) He also wrote that Fr. Martin would "feel us up" on church property and kiss John Doe 63 before Masses and at other areas where the boys worked. (*Id.*)

Also on August 5, 2010, Msgr. Raica replied to John Doe 63's email, thanking him for his "invaluable assistance" and asking him about his earlier statement to the effect that Fr. Martin had the boys go to him for confession after an act of molestation, to which John Doe 63 replied with the following:

> John Doe 65 once told me that after Father performed oral sex (I'm being polite – we never called it that in those days) on him and he would immediately go to confession. The next time Father "did it" to me, I asked to go to confession and he heard my confession. It seemed so unbelievabl[y] hypocritical that I never asked him to do it again and he never mentioned it again after subsequent acts.
>
> [App'x JEM#13, Email chain between Msgr. Raica and John Doe 63, dated August 5, 2010.]

In that same August 5, 2010, email, John Doe 63 wrote that he had been thinking that someone might bring "a legal action," when the Fr. Martin matter is "out of the box." (*Id.*) He wrote: "To weed out anyone who may just want to 'cash in' and was never involved, one could ask about the singular thing that only anyone molested would know. Father wore a full set of dentures and always took them out prior to his acts." (*Id.*)

On August 25, 2010, after an article was published in the local newspaper regarding Fr. Martin, John Doe 63 sent an email to Msgr. Raica, which provided, in part, the following:

> As previously noted, while I wish the story would never have been run, I observed that the church did not take the opportunity to admit any guilt. That said, either you didn't believe me when I said I reported the offenses to your "office" in the 57–58 time period or you and the Bishop continued with the church's past policies of denial. Last we corresponded about the lack of church record[s] on the subject, I think you advised that you were going to have the personal files of Bishop Albers checked for any record. I never heard the results of that check.
>
> I don't need a correction or follow up article, but I think the diocese should have fallen on its sword and admitted malfeasance and coverup. I gave your predecessor the names of at least four and probably five boys who knew what was going on. Witness 98, sister of the John Doe 64 boys, told me yesterday that only John Doe 64 was called in and interviewed. I'm not sure how she knew that – I assume John Doe 64 told her. I was led to believe that none of the boys supported my allegation and couldn't at the time understand why John Doe 65 didn't – I didn't really expect the John Doe 64 boys to but hoped at least one of them would.
>
> You all didn't quite do yourselves proud.
>
> [App'x JEM#14, Email from John Doe 63 to Msgr. Raica, dated August 25, 2010.]

By email dated August 26, 2010, Msgr. Raica wrote the following to John Doe 63:

> Thanks for your detailed observations. I'm not sure even where to begin. I certainly and sincerely apologize for what happened to you and so many others by this priest who wielded so much power in the local community. As a priest, it is as though I have been slugged in the gut once again. I ache. I continue to take each of you to prayer and recognize the Christ is greater than sin and life is stronger than death and hope is stronger than despair.

All I know is that Bishop [Boyea], who is new to the Diocese, heard of the allegations in June of this year, began to gather the data since there was very little in the file of Fr. Martin and nothing about any previous mention of abuse or meeting with the Bishop. There were newspaper articles from the time period that caused us further worry when it referred to him as 'friend and pal of boys' and that he would take boys fishing up to Canada – alarm bells for us that something may not be right. The articles in the bulletins helped immensely bring forward the clarity Bishop wanted so that he could substantiate in his own mind what had occurred.

John Doe 63, my sincere apologies in failing to get back with you on the archival search. On several occasions, I asked archivist Msgr. George, to search again the record[s] of Bishop Albers, especially the time frame you gave me. There is no document that summarizes the meeting you refer to or that a meeting occurred. Did you ever meet with Fr. Paul Donovan? He was the secretary to Bishop Albers at that time and may have had something to do with this situation. We are trying different approaches to see if something turns up. John Doe 63, I believe you when you say there was a meeting. I regret that nothing has turned up to give us greater insight as to what occurred, what was said, and what the disposition was.

Your forthrightness and courage to call me and write me has been one of the key factors that enabled us to go public with this matter. While you may have wanted it never to become public, there was an "elephant in the room." Even though the priest could no longer defend himself, he [Bishop Boyea] wanted to take the halting steps to bring this up and begin the task of moving ahead. As you pointed out, this issue had been brought to the diocese's attention before. Those of us who currently work in administration here have had no knowledge of those events. Since we started our investigation and conversation with others, we learned that they were aware that something was awry because it appeared that some in the community were carrying cross[es] that, as much as they tried to ignore it, kept burdening them. Why a determination wasn't made when you stepped up courageously, we will never know.

I truly regret that the Diocese did not respond differently in the past. It has been a real frustration for us. I can't answer for what happened in the past or how it was or wasn't done. I don't wish to posit a hypothesis at this point since it won't resolve anything. With Bishop Boyea, we've been attempting, mustering all of our effort, to be responsive to those who've come to us in as timely and sensitive a way as possible.

> If there is anything that I can assist with John Doe 63, please let me know. Also – grateful for what you have already expressed, if there is anything more that can help us have a greater understanding of that time frame, please write me.
>
> We are continuing the search in the archival material and hope it will yield something that will reveal something about the past for us.
>
> My prayers are with you and your wife – I am[.]
>
> [App'x JEM#15, Email from Msgr. Steve Raica to John Doe 63, dated August 26, 2010.]

On August 20, 2010, six days before Msgr. Raica sent the above-quoted email to John Doe 63, Bishop Boyea contacted now retired Bishop Paul Donovan regarding Fr. Martin, the substance of which Bishop Boyea and Msgr. Raica memorialized in a file memorandum that read as follows:

> On today's date, Bishop Boyea contact[ed] Bishop Paul Donovan who served as the secretary to Bishop Albers.
>
> Bishop Albers asked Fr. Donovan to deal with Fr. John Martin so he met with 2–3 victims from the family who were members of the John Doe 64 family.
>
> The victims claimed that he was inviting members of the family to their home and fooling around with them.
>
> Fr. Donovan said he spoke of the sinfulness of the actions and to cease and desist. He believed there was a cessation of the activity. Fr. Donovan was convinced that Fr. Martin was fooling around.
>
> There were no sanctions against Fr. Martin in those days. It was considered a spiritual problem. Bishop Albers didn't send him away and believed the activity would be over.
>
> Fr. Donovan recalls that Bishop Albers did not meet with these victims on this occasion.
>
> [App'x JEM#16, Memorandum from Bishop Earl Boyea and Msgr. Steven Raica, Secretary, dated August 20, 2010.]

On August 5, 2010, Msgr. Raica received a telephone call from John Doe 68. (App'x JEM#17, Memorandum of Msgr. Steven Raica to Bishop Boyea, Msgr. Murphy. legal counsel, and Adrienne Rowland, dated August 5, 2010, p 1.) John Doe 68 alleged that he, four of his brothers, and others had been sexually abused by Fr.

Martin in Laingsburg in the 1950s. (*Id.*) John Doe 68 alleged that Fr. Martin began to sexually abuse John Doe 68 when John Doe 68 was 11 or 12 years old. (*Id.*) Fr. Martin would allegedly fondle him sometimes before Mass and sometimes after Mass – or they'd meet an hour after Mass, and Fr. Would give him a "blow job." (*Id.* at 2.) John Doe 68 alleged that he saw Fr. Martin also give a "blow job" to one of his brothers and believed that his oldest brother, John Doe 123, was also sexually abused by Fr. Martin, because Fr. Martin "described his brother's penis to him." (*Id.* at 1–3.) However, his brother denied that he was sexually abused by Fr. Martin. (*Id.* at 2.) John Doe 68 alleged that Fr. Martin sexually abused "all but 2 members of his family." (*Id.*) In addition to believing that his brother, John Doe 123, had been abused by Fr. Martin, John Doe 68 also alleged that three of his other brothers were sexually abused. (*Id.* at 3.) John Doe 68 also stated that many men would come and go to and from the rectory when Fr. Martin was there, including the "gas man," whom John Doe 68 was convinced got a blowjob from Fr. Martin after making his gas deliveries. (*Id.*)

John Doe 68 alleged that Fr. Martin "was a powerful man." (*Id.* at 1.) "[H]e provided his family [the John Doe 68 family] a home, bought clothes, [and] bicycles[.]" (*Id.*) Fr. Martin allegedly told John Doe 68 that he could not tell anyone about the sexual abuse. (*Id.*)

During the same telephone conversation with Msgr. Raica in August 2010, John Doe 68 also stated that John Doe 63 reported Fr. Martin's sexual abuse to Bishop Albers. (*Id.* at 3.) John Doe 68 alleged that "Fr. Martin, Fr. Whalen and a Fr. Tony (from Flint) went and John Doe 63 told them that Fr was messing around." (*Id.*) But because Fr. Martin allegedly would have evicted John Doe 68's mother from the home Fr. Martin provided them, John Doe 68's brother, John Doe 64, denied that Fr. Martin was sexually abusing the boys. (*Id.*) John Doe 68 also told Msgr. Raica that he never had an opportunity to live a normal life. (*Id.* at 1.) He further told Msgr. Raica that he had "suffered immeasurabl[y] because of the abuse." (*Id.*) John Doe 68 also told the monsignor that, several years earlier, John Doe 68 went to counseling twice a week for three years, and paid $90.00 per session. (*Id.* at 2.)

In a letter dated August 10, 2010, Msgr. Raica wrote to John Doe 68, thanking him for the August 5, 2010, telephone call and apologizing "for the suffering you've endured over these past many years because of the egregious actions of the priest in Laingsburg." (App'x JEM#18, Letter from Msgr. Steven Raica, Chancellor, to John Doe 68, dated August 10, 2010, p 1.) Msgr. Raica also offered John Doe 68 the opportunity to personally meet with Bishop Boyea and/or the Review Board members and to participate in a healing retreat. (*Id.*) Msgr. Raica offered to reimburse John Doe 68 the sum of $40,000.00, for all of the money John Doe 68 paid for counseling, adjusted for inflation and incidental expenses incurred in going to counseling, as well as to assist with future counseling. (*Id.* at 2.)

On August 23, 2010, Msgr. Raica called John Doe 68 to advise him that Bishop Boyea "decided to go public" and met with local media regarding the allegations that had recently been made against Fr. Martin. (App'x JEM#19, Memorandum from Msgr. Steven Raica to File, dated August 23, 2010.) During that telephone conversation, John Doe 68 stated that his brother, John Doe 69, admitted that he was sexually abused by Fr. Martin and contacted Fr. Pamment about it. (*Id.*) John Doe 69 "also said that he thanked the Bishop for coming forward for the announcement but believes that Bishop does not understand the depth of the anguish the victims have been suffering." (*Id.*)

On August 19, 2010, four days before Msgr. Raica's telephone conversation with John Doe 69, Msgr. Raica spoke to Fr. Robert McKeon, who served at St. Isidore in Laingsburg immediately after Fr. Martin, to ascertain what he knew about Fr. Martin's time there. (App'x JEM#20, Memorandum from Msgr. Raica to File, dated August 19, 2010.) Fr. McKeon recalled that, during his one year of service there, a man named John Doe 68, who had just been discharged from the Navy, told him that Fr. Martin "had sexually approached him and abused him." (*Id.*) "Fr. McKeon did not know the exact details of the kind of sexual abuse that took place, other than a generic story of abuse having taken place between John Doe 68 and Fr. John Martin." Fr. McKeon never told anyone about John Doe 69 allegation. (*Id.*) By that time, Fr. Martin was dead. (*Id.*)

By letter dated August 13, 2010, Witness 98B wrote to Bishop Boyea, in response to the notice published in the St. Isidore bulletin. (App'x JEM#21, Letter from Witness 98B to Bishop Earl Boyea, dated August 13, 2010, p 1.) Witness 98B wrote the following:

> In my junior year my step brother called my younger brother and myself upstairs to discuss with us a major concern he had. He told us both about an incident he witnessed in Father Martin's home where he was abusing one of the older alt[a]r boys. My brother also said that he had gone to Lansing and told his story to the bishop. No action was ever taken.
>
> [*Id.*]

On August 16, 2010, on behalf of Bishop Boyea, Msgr. Raica responded to Witness 98B's letter, thanking him for his letter and also asking him for more detail regarding when his step-brother reported the alleged abuse to the bishop. (App'x JEM#22, Letter from Msgr. Steven Raica, Chancellor, to Witness 98B, dated August 16, 2010.) Specifically, Msgr. Raica asked if Witness 98B knew when his step-brother talked to the bishop and whether anyone else accompanied him during that conversation. (*Id.*) It is not clear from diocesan documents whether Witness 98B replied to Msgr. Raica's letter.

By email dated July 30, 2010, John Doe 125 also wrote to Msgr. Raica and Fr. Pamment in response to the notice that was published in the church bulletin and alleged that, in 1997, when his father was dying, his father told him that he was sexually abused by Fr. Martin when the elder John Doe 125 was a child. (App'x JEM#23, Email from John Doe 125 to Msgr. Raica and Fr. Pamment, dated July 30, 2010.) By reply email dated August 3, 2010, Msgr. Raica thanked John Doe 125 for his email and apologized to him and his family for "the pain and suffering you've carried all these years." (App'x JEM#24, Reply email from Msgr. Steven Raica to John Doe 125, dated August 3, 2010.) Msgr. Raica also asked John Doe 125 for additional information, to which John Doe 125 replied with the following:

> Sorry it took me a while to get back with you. My mother is also dead so I had to get a hold of my Aunt for some details. My dad's name was [same as] John Doe 125. It sounds like the abuse took place between the ages of 12 and 17. That would put the approximate dates at 1944 to 1949. She said he used things like camping trips, sleep over's, and wood working to lure boys in.
>
> She also believes 5 other brothers also were abused. It sounds like Fr. Martin threatened to abuse the younger brothers if the older brothers ever told anyone. (He ended up abusing them anyhow)
>
> [*Id.*; App'x JEM#25, Email from John Doe 125 to Msgr. Raica, dated August 25, 2010.]

On September 2, 2020, John Doe 62 sent VAC Rowland an email alleging that he and his cousin had been sexually abused by Fr. Martin at St. Isidore Parish in Laingsburg, Michigan. (App'x JEM#26, Email from John Doe 62 to Rowland, dated September 2, 2010.) Two weeks later, Rowland, Ellis, and Fr. Pamment met with John Doe 62 and his wife. (App'x JEM#27, Confidential Notes of Meeting with John Doe 62, St. Isidore Parish, Laingsburg, Michigan, dated September 16, 2010, p 1.) John Doe 62 stated that he was not sure how old he was when the sexual abuse commenced, but thought he was somewhere around 10–12 years old. (*Id.*) John Doe 62 recalled that he was an altar server from 1959 or 1960 to 1967 and served at Fr. Martin's last Mass. (*Id.*) John Doe 62 alleged that Fr. Martin's sexual abuse was limited to fondling him, and, on one occasion, he allegedly witnessed Fr. Martin reach his hand down John Doe 70's cousin's pants and fondle him right in front of John Doe 62 in the rectory. (*Id.* at 2.) However, John Doe 62's cousin, John Doe 71, denied the sexual abuse. (*Id.*) John Doe 62 alleged that his older brother, John Doe 62, was also sexually abused by Fr. Martin. (*Id.* at 3–4.)

(40) FR. JOSEPH MCHUGH, C.S.SP.
(ON DIOCESE OF LANSING CREDIBLY-ACCUSED CLERGY LIST AND BISHOP ACCOUNTABILITY SITE.)

Born: February 7, 1930
Ordained: July 13, 1958
Died: September 25, 2007

Fr. Joseph McHugh, C.S.Sp., was born on February 7, 1930, in Ahascragh, Ballinasloe, in County Galway, Ireland, and was ordained to the priesthood on July 13, 1958. (App'x JM#1, Obituary of Fr. Joseph McHugh, dated September 25, 2007.) Fr. McHugh died on September 25, 2007. (*Id.*) Fr. McHugh was not incardinated into the Diocese of Lansing, but served in the Diocese from 1974 through 1976, as a member of the Spiritans Irish Province, also known as the Holy Ghost Fathers. (*Id.*; App'x JM#2, Email from Brian Starken, CSSp, to Msgr. Steven Raica.)

On March 4, 2011, VAC Rowland interviewed Jane Doe 32 who alleged that, in 1976 when she was 11 or 12 years old, a priest at St. Gerard's sexually assaulted her. (App'x JM#3, Victim Assistance Coordinator Allegations Record, by Adrienne Rowland, dated March 7, 2011, pp 1–2.) Jane Doe 32 initially thought the priest's name was Fr. McCuan, who had a slight English or Australian accent, but she knew for certain that the priest had ministered in New Guinea because she and other students were assigned to interview him regarding his work in New Guinea. (*Id.*) Adrienne Rowland summarized Jane Doe 32's description of the alleged sexual abuse as follows:

> Jane Doe 32 reports the following: My group was assigned to interview Father and I was first to arrive at the rectory and was told to wait downstairs by the secretary, Mrs. Komazinski. Jane Doe 32 reports that she was 15–20 minutes early and arrived earlier than anyone else in her group of students. Jane Doe 32 reports that Father called me over to a corner where there was a desk. He grabbed me around the waist and held [m]e against his erection and moved back and forth against me. She states that she was facing him. Jane Doe 32 reports

> that Father said things such as "I was such a pretty girl, smart and funny, and that it was ok to comfort each other." She states that [he] pushed me hard against the couch and the next thing I knew his penis was in my mouth and I was performing oral sex. Jane Doe 32 stated that his hands were on my shirt and under my uniform skirt. She states that she smelled very strongly the smell of Scotch on the accused's breath. Jane Doe 32 reports that they heard scuffling upstairs and the accused said "ok sounds like everyone else is here, don't worry." When asked if the accused ejaculated in her mouth, Jane Doe 32 replied yes. She stated that her face was very red and she was ashamed. Jane Doe 32 reported that the group of students came downstairs and then the priest followed a couple of minutes later. Jane Doe 32 stated that she left with the group after the interview. She said that she had an expectation that the priest would be nice to her when he saw her again but he ignored her and was mean to her. Jane Doe 32 reports being very confused and broken hearted. Jane Doe 32 said that she remembers thinking "this is not Christ like."
>
> [*Id.* at 2.]

When Rowland asked Jane Doe 32 why she was coming forward with her allegation at that time, Jane Doe 32 stated that she was "in desperate need of help with her daughter's Catholic school tuition." (*Id.* at 3.) She stated that she was recently divorced from a husband who was an addict, causing them to lose their home to foreclosure and having to file for bankruptcy. (*Id.*) She also noted that counseling had helped her to understand that the sexual abuse had caused her to have low self-esteem and poor decision-making. (*Id.* at 3–4.)

In a follow-up telephone call with Jane Doe 32, noted in Rowland's report, Rowland advised that a "Fr. McCuan" had not ministered at St. Gerard during the time of the alleged abuse. (*Id.* at 4.) Jane Doe 32's recitation of the events did not change, and she was clear that the offending priest worked in New Guinea. (*Id.*) Subsequently, Msgr. Raica advised Rowland that, according to the Spiritan provincial in Ireland, Fr. McHugh served in New Guinea from 1971 to 1974. (App'x JM#4, Email chain between Msgr. Steve Raica and Adrienne Rowland, dated March 8, 2011.) Msgr. Raica attached a copy of the email he had previously received from the provincial as well as an article depicting Fr. McHugh in a photograph. (*Id.*) Rowland sent the photograph to Jane Doe 32, who identified Fr. McHugh as the priest who allegedly sexually abused her. (*Id.*) Msgr. Raica speculated that perhaps the Irish brogue had a way of pronouncing "McHugh" like "McCuan" "to an untrained ear." (*Id.*)

Jane Doe 32, Diocese of Lansing officials, and the Irish Spiritans communicated back and forth into 2012, concerning Jane Doe 32's allegation against the deceased Fr. McHugh (who died in 2007), with the religious community seeking further

investigation into the matter before it would be willing to apologize for the alleged actions of Fr. McHugh or assist Jane Doe 32 financially, inasmuch as no other allegations had been brought against Fr. McHugh. (App'x JM#5, Email from Brendan Carr to Msgr. Raica, dated April 17, 2011; Email from Msgr. Raica to Brendan Carr, dated May 20, 2011; Email from Msgr. Steven Raica to Brendan Carr, dated July 14, 2011; Email from Brendan Carr to Msgr. Steven Raica, dated August 4, 2011 ; memo from Deacon Phil Hengen to Adrienne Rowland, dated November 18, 2011; letter from Edward Gleeson to Msgr. Raica, dated January 30, 2012; email from Adrienne Rowland, LMSW, ACSW, to diocesan counsel, and Msgr. Raica, dated January 30, 2012; Email chain among Brendan Carr, the Spiritans, Adrienne Rowland, Jane Doe 32, and Msgr. Raica, dated January 24, 2012–February 12, 2012; Email chain among Brendan Carr, C.S.Sp., Adrienne Rowland, Jane Doe 32, and Msgr. Steven Raica, dated January 14, 2012–February 24, 2012; Letter from Fr. John Klein to Msgr. Steven Raica, dated February 29, 2012; Email chain between Msgr. Steven Raica and Jane Doe 32, dated February 23–24, 2012; and Email from Msgr. Steven Raica to Jane Doe 32, dated May 25, 2012.)

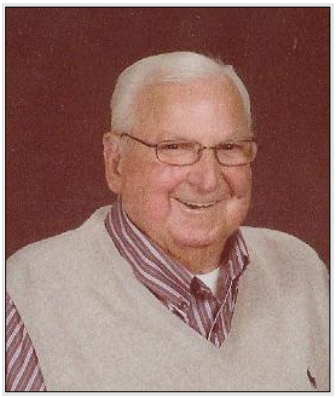
On May 31, 2012, Msgr. Raica wrote to Jane Doe 32, thanking her for her patience and advising her that the diocese "devoted a good deal of time and effort attempting to persuade the Spiritans that they should take the lead in assisting you. Our position in that regard is a simple matter of Church policy and practice – it should fall to a religious order to resolve a situation involving a member of the order." (App'x JM#6, Letter from Msgr. Steven Raica, Chancellor, to Jane Doe 32, dated May 31, 2012, p 1.) Msgr. Raica further wrote that the Lansing Diocese would continue to communicate with the Spiritans; however, the Diocese believed that "too much time has elapsed, and we do not wish to have you wait any longer." (*Id.*) Explaining that the Diocese "bears no legal responsibility in this matter," it nonetheless wished to offer to reimburse Jane Doe 32 in the amount of $25,000.00 "for the cost of any reasonable expenses relating to healing and recovery, including expenses previously incurred." (*Id.*) Msgr. Raica also offered to cover Jane Doe 32's expenses to attend a healing retreat in the Lansing area and to meet with Bishop Earl Boyea. (*Id.* at 2.) Two months later, the Diocese of Lansing paid Jane Doe 32 the sum of $35,000.00, and the latter signed a settlement and release of all claims, including the Spiritans and the Irish Spiritans. (App'x JM#7, Settlement and Full Release, dated July 27, 2012, and Diocese of Lansing check number 225889 made payable to Jane Doe 32 in the amount of $35,000.00.) It is not clear from file documents why the settlement offer increased by $10,000.00, nor is it clear whether or not the Irish Spiritans reimbursed the Diocese of Lansing the settlement amount or any part of it.

On October 22, 2018, Jane Doe 33 emailed the Department's tipline and alleged that, from 1975 through 1978, she was sexually abused by Fr. McHugh, commencing when she was 16 years old. She alleged that the sexual abuse "started with a kiss, then it went on to groping and finally rape." (App'x JM#8, Tip No. 22, Department of Attorney General tipline.) She alleged that, whenever he could be

alone with Jane Doe 33, he would sexually abuse her. This allegedly occurred at St. Gerard and St. Mary Cathedral in Lansing, Michigan, as well as at her home, a cottage, and in a car. Jane Doe 33 wrote that she had never previously reported the sexual abuse. (App'x JM#8,Tip No. 22, Department of Attorney General tipline.)

On October 8, 2019, the diocesan VAC emailed the Department's tipline to report that Jane Doe 34 alleged that she was "touched and kissed by Fr. Joseph McHugh from 13–18 years old in 1968–1973." (App'x JM#9, Tip No. 76, Department of Attorney General tipline.)

(41) DEACON RICHARD LEWIS MILLER



Born: October 7, 1930
Ordained: 1987
Convicted: February 23, 1995
Faculties withdrawn: June 26, 1996
Died: May 15, 2011

Deacon Richard Lewis Miller was born on October 7, 1930, in Holloway, Michigan. (App'x RLM#1, Find A Grave Re Richard Lewis Miller, p 1.) He was ordained to the permanent deaconate in 1987. (App'x RLM#2, Memorandum from Fr. David Stotenbur, Judicial Vicar, to Bishop Mengeling, dated February 8, 1996, p 1.) On February 23, 1995, Deacon Miller was convicted of two counts of second-degree, criminal sexual conduct, by a jury in the 39th Circuit Court. (App'x RLM#3, Presentence Investigation report regarding Richard Lewis Miller, Docket Nos. 94-6304-FH and 94-63015-FH Miller, pp 1–2.) The alleged victims were John Doe 72 and John Doe 73. (*Id.* at 1–3.) The alleged sexual abuse consisted of Deacon Miller touching the boys on the stomach, thigh, and penis. (*Id.*) The alleged sexual abuse was not related to Deacon Miller's ministry in the Diocese of Lansing.

By letter dated June 21, 1996, Deacon Miller asked to be placed on "permanent inactive status as a cleric" "for the good of the Church, even though I believe the allegations against me were false and the conviction unjust," and, on June 26, 1996, Bishop Mengeling granted that request, withdrawing Deacon Miller's diaconal faculties. (App'x RLM#4, Letter from Dcn. Richard Miller to Bishop Carl Mengeling, dated June 21, 1996, and letter from Bishop Carl Mengeling to Deacon Richard Miller, dated June 26, 1996.) No other allegations were made against Deacon Miller. Deacon Miller died on May 15, 2011. (App'x RLM#1, Find A Grave Re Richard Lewis Miller, p 1.)

(42) BR. KURT ROBERT MUNN
(LISTED ON BISHOP ACCOUNTABILITY SITE)

Born: November 14, 1946
Vows: Unknown
Released from Vows: April 30, 1994

Br. Kurt Robert Munn was born on November 14, 1946. (App'x KRM#1, MSP Supplemental Incident Report 0002, NIS-0000029-20, dated August 20, 2020, p 1.) Br. Munn was a Franciscan brother. (App'x KRM#2, Bishop Accountability Re Br. Kurt Munn, at 1.) Br. Munn ministered in DeWitt, Michigan, at Retreat House from 1964 to 1967; at Novitiate, in Catskill, New York, from 1967 to 1968; back to Retreat House in DeWitt, Michigan, from 1968 to 1972; then at Roebling, New Jersey, from 1972 to 1979; back to Retreat House in DeWitt, Michigan, from 1979 to 1986, and then back to Roebling, New Jersey, from 1986 to 1993. (App'x KRM#3, MSP Supplemental Incident Report 0001, NIS-0000029-20, dated July 16, 2020, p 1.) By letter dated December 18, 1993, Br. Munn requested to be dispensed from his vows, and the same was granted on April 30, 1994. (*Id.* at 2.)

In the mid-1990s, John Doe 74 alleged that Br. Munn had sexually abused him when the latter was serving at Holy Assumption Church in Roebling, New Jersey, for about a decade, commencing in 1972 when John Doe 74 was seven years old. (App'x KRM#4, MSP Original Incident Report, NIS-0000029-20, dated June 18, 2020, pp 2–7.) The allegations were investigated by the New Jersey State Police, during which Br. Munn admitted to sexually abusing John Doe 74 and more than 12 other boys, including three in Michigan. (*Id.* at 1, 2, and 8.) However, because the applicable statute of limitations in New Jersey had then expired, no charges were brought against Br. Munn. (*Id.* at 5 and 6.) In 2020, John Doe 74 filed a civil lawsuit against Br. Munn, then Mr. Munn. (*Id.* at 6.)

As part of this investigation, Sgt. William Luebs of the MSP contacted John Doe 74 in 2020 regarding the three Michigan boys Br. Munn allegedly admitted to molesting during the 1997 New Jersey investigation. (*Id.* at 6.) Sgt. Luebs also obtained a copy of the New Jersey State Police report regarding the investigation, which included a handwritten, signed confession by Br. Munn, identifying eight

male victims from New Jersey and three male victims from Michigan. (*Id.* at 8.) The confession also included a fourth Michigan victim with the name identified with a question mark. (*Id.*) The three named victims were John Doe 75, John Doe 76, John Doe 77. (*Id.*) In his handwritten confession, Br. Munn wrote the following:

> The above persons in this list were assaulted by me physically & orally – not all the same – 2 above names I cannot remember them totally. Physically I mean I touch[ed] their genitals. & John Doe 126 had touched & had oral sex with me. This is [sic.] all the kids I remember having any sexual contact with. Besides John Doe 74 in 1986, I have not touched a child sexually since 1976. I have never asked or touched John Doe 78 John Doe 74 in 1986 and no child has touched me sexually (private parts)[.] 12:40 9/19/97
>
> Kurt R. Munn (signed)
>
> [*Id.*]

During his 2020 investigation regarding the above-named Michigan victims, Sgt. Luebs discovered that John Doe 75, had died in recent years. (App'x KRM#3, MSP Supplemental Incident Report 0001, NIS-0000029-20, dated July 16, 2020, p 4.) However, Sgt. Luebs contacted John Doe 75, a relative of John Doe 75, who alleged that he was sexually abused by Br. Munn when he was 10 or 12 years old. (*Id.*) "The abuse occurred in the mid-1960's and stopped well before 1970." (*Id.*) John Doe 75 declined to discuss the specific details of the sexual abuse, but he described it as "sexual molestation." (*Id.*) John Doe 75 did not believe he was the only boy who was abused by Br. Munn, but he did not know the names of anyone else who had been sexually abused. (*Id.* at 5.) John Doe 75 alleged that, after Br. Munn was transferred to New Jersey by his Franciscan order, it was rumored that it was because there was an allegation that Br. Munn sexually molested a boy. (*Id.*)

The third victim identified during the 1997 New Jersey State Police investigation, John Doe 76. (*Id.* at 4.) The Department did not pursue charges against the former Br. Munn because they were time-barred by the statute of limitations. (App'x KRM#1, MSP Supplemental Incident Report 0002, NIS-0000029-20, dated August 20, 2020, p 1.) The Diocese of Trenton (New Jersey) confirmed in 2019 that multiple allegations against Br. Munn were received in 1998 and 2007, when Br. Munn ministered at Holy Assumption, and, in 2020, another alleged New Jersey victim filed a civil lawsuit against the former Br. Munn, claiming that his sexual abuse started when he was ten years old.[35]

[35] https://www.bishop-accountability.org/accused-by-last-name-m/ (last accessed December 12, 2024).

(43) FR. JEFFREY O. NJUS

Born: Unknown
Ordained: 2003
Faculties Withdrawn: August 21, 2012
Laicized: September 18, 2019

Fr. Jeffrey O. Njus was ordained to the priesthood in 2003 for the Diocese of Lansing. (App'x JON#1, Letter from Msgr. Michael Murphy, Moderator of the Curia, to Sr. Patricia Glowski, RSM, dated October 20, 2008, p 1.)

On March 22, 2005, Jane Doe 35, a St. Patrick Parish (Brighton) parishioner, met with Msgrs. Michael Murphy and Robert Lunsford, during which time she alleged that Fr. Njus was "sexually inappropriate" toward her. (App'x JON#2, Memo to the File from Msgr. Murphy, dated March 22, 2005, p 1.) Msgr. Murphy summarized her allegations as follows:

> She alleges that Fr. Njus put his arms around her and rubbed her abdomen underneath her sweatshirt [,] commenting that her skin was very soft. He also [allegedly] laid his head on her left breast area, which was surgically removed because of breast cancer. Then he asked if it hurt her, and she responded "yes," even though it really didn't hurt her as [she] relayed the incident to us. Then he [allegedly] moved his head and laid it on her right breast. She also claimed that he touched her breast. However, he denies that he touched her breast with his hand.
>
> [*Id.*]

On the following day, March 23, 2005, the Monsignors and Bishop Mengeling met with Fr. Njus regarding Jane Doe 35's allegations. (*Id.*) Msgr. Murphy wrote in his memo that Fr. Njus "relayed the events of his relationship with her and the physical touching incident," and his "recitation of events paralleled the description of Jane Doe 35 in most details." (*Id.* at 2.) Fr. Njus claimed that "his touching of her was accidental and not from a prurient intention," that he was "trying to be

pastoral to her" because of recent events that had happened in her life, and that "there was nothing sexual about this since he was young enough to be her son." (*Id.* at 2 and 1.)

In the same meeting with Fr. Njus on March 23, 2005, "Bishop Mengeling assured him we were committed to helping him be a better pastor, his [forthcoming] assignment as pastor of St. Thomas the Apostle parish in Ann Arbor was not in jeopardy[,] and he needed to learn from this incident." (*Id.* at 2.) The bishop also informed Fr. Njus that he was to undergo a psychological evaluation by a physician and "follow her course of treatment." (*Id.*)

By letter dated April 7, 2005, Msgr. Murphy followed up with Jane Doe 35 to repeat the Diocese's offer to assist her and wrote that the Diocese would be happy to help her with counseling. (App'x JON#3, Letter from Msgr. Michael Murphy to Jane Doe 35, dated April 7, 2005.) It does not appear from file documents that Jane Doe 35 replied to Msgr. Murphy's offer of assistance.

On April 20, 2005, Fr. Dan McKean, the then Pastor of St. Patrick Parish and Fr. Njus' superior, wrote to Msgr. Murphy and enclosed a typewritten note prepared by Jane Doe 35, who asked Fr. McKean to forward that note to the Diocese. (App'x JON#4, Letter from Fr. Dan McKean to Msgr. Michael Murphy with enclosed typewritten note of Jane Doe 35, dated April 20, 2005.) In her typewritten note, Jane Doe 35 provided additional accounts of alleged inappropriate behavior on the part of Fr. Njus, which included the following:

> Occurrences:
>
> Coming to my home instead of his office was his choice.
>
> Began innocently sitting in chairs side-by-side. Then he rose, pulled the ottoman in front of my chair and held my hands. This was followed by his drawing me up and over to the sofa, telling me he couldn't get close enough with us sitting so far apart.
>
> Then he held my hands and began kissing them. When not doing this[,] he ran his hand up and down my leg over and over again.
>
> He would lean over and put his head on either my shoulder or chest. He told me I had a slow heart rate (shows how little he knows about medicine). He must have known that I was nervous because my hands were sweaty and my heart was pounding.
>
> Kisses were not always delivered to the cheek.
>
> When confronted, he told me that he realized his behavior had been inappropriate, but he thought that I was taking it all in stride.

> One visit he groped under my sweatshirt and told me that I had soft skin.
>
> When speaking about the problems with my daughters, I commented that knowing what I know now, I would never have chosen to have children. He began to rub my stomach and spoke of what I would have missed carrying a baby there, that I would have thought differently had I had a different husband.
>
> Because my daughters do for me out of a sense of duty and obligation, I am sensitive to that[.] I told him that I knew his days were busy and full and that he need not feel that he had to visit any longer, that I was okay. He said that were it a duty or obligation, he would only come once a month; he came because he wanted to. At this time he was visiting weekly. He told me that he cared for me very deeply, as he would a close family member.
>
> On one occasion, he told me that he could stay cuddled up next to me all day.
>
> Another time when talking about traveling I told him that the one place I really wanted to visit was Italy, to see places like Rome and Tuscany. He suggested we go together and stay in a villa.
>
> [*Id.* at typewritten note of Jane Doe 35.]

About six weeks later on June 8, 2005, Jane Doe 35 wrote to Bishop Mengeling and expressed her disappointment in the manner in which the Diocese handled Fr. Njus. (App'x JON#5, Letter from Jane Doe 35 to Bishop Mengeling, dated June 8, 2005.) She wrote that it appeared that Fr. Njus was rewarded for his conduct by having been appointed as pastor of St. Thomas Parish without having had the therapy he needed "to understand what caused his aberrant behavior." (*Id.*) She also explained that she was disappointed and hurt by the lack of caring and compassion she was shown when she reported her allegations to the Diocese. (*Id.*)

On September 30, 2008, Fr. Njus contacted Msgr. Murphy and asked to meet with him as soon as possible, so the two men met later that day, during which time Fr. Njus told Msgr. Murphy about a relationship he had been having with Jane Doe 36, a 40-year-old parishioner. (App'x JON#6, Memo from Msgr. Michael Murphy to the File, dated September 30, 2008, p 1.) Msgr. Murphy summarized the substance of the meeting, in part:

> At that meeting Fr. Njus told me that a woman by the name of Jane Doe 36 (40 years of age) was house-sitting in Ann Arbor. She was a parishioner who had recently returned to the practice of her faith. She

asked JN to come and bless the house she was house-sitting. So he did in February of 2008.

When he finished the blessing he sat on the couch and she came over and sat beside him. He felt very comfortable with her and had the feeling that this relationship could have been a special spiritual relationship. He felt that they had a special connection. He put his arm around her shoulders and that was the beginning of what ended up being an all night visit to her house.

He says he did not have sex with her, but there was hugging, kissing and caressing on at least 5 or 6 times. Most of those times he spent the night in her bed and she was naked.

At some later point she told him that God told her that he should leave the priesthood, i.e., the church, and marry her. JN made it clear to her that he had no intention of leaving the priesthood and marrying her. He claims that he never led her on as far as their getting married. Later she predicted that they would be married within two years.

JN said this relationship fed his fear that he should not have been a priest. He was afraid, even before he was ordained, that he was the one who wanted the priesthood and he was not sure that is what Jesus wanted. Thus the fear that he should not have been a priest.

[*Id.*]

On October 1, 2008, Bishop Boyea issued a precept, as a result of Fr. Njus' violation of his "priestly commitment to celibacy," and placed Fr. Njus "on a leave of absence for reasons of health." (App'x JON#6, Precept of Bishop Earl Boyea, dated October 1, 2008, p 1.) The precept, effective the following day, also suspended Fr. Njus' priestly faculties by prohibiting him from celebrating or concelebrating public Masses and prohibiting him from celebrating any of the sacraments, except "*in periculo mortis*" [in danger of death]. (*Id.*) Fr. Njus was also prohibited from having any contact with Jane Doe 36 or members of her family and from entering Washtenaw County. (*Id.*) The leave of absence was to continue until Fr. Njus was "able to return to active ministry or another decision is made." (App'x JON#7, Letter from Bishop Earl Boyea to Fr. Jeffrey Njus, dated October 1, 2008.)

Later in October 2008, arrangements were made for Fr. Njus to be admitted for treatment at Sacred Heart Mercy Health Care Center in Alma, Michigan. (App'x JON#8, Letter from Msgr. Michael Murphy, Moderator of the Curia, to Sr. Patricia Glowski, RSM, dated October 20, 2008, pp 1–2.) Prior to his admission, Msgr. Murphy wrote the following to Sr. Patricia Glowski, RSM, of Sacred Heart Mercy Health Care Center, regarding the bishop's concerns:

> Bishop Boyea is very concerned about this matter since it is [allegedly] the second time this type of situation has developed with a vulnerable older woman. He sees this [alleged] behavior as predatory in nature, though probably unconscious on his part, and that causes him great concern. Bishop Boyea wants Fr. Njus to understand clearly what he has done, the reasons why he has acted in this way, and can he control this behavior in the future. Further, Bishop Boyea had addressed the episode that [allegedly] occurred in Brighton with Fr. Njus while the [alleged] relationship in St. Thomas the Apostle Parish was happening. Fr. Njus did not stop the [alleged] relationship then, and Bishop Boyea believes Fr. Njus was not honest with him during their conversation earlier this past summer.
>
> [*Id.* at 2.]

On January 5, 2009, Bishop Boyea issued an announcement to the St. Thomas of the Apostle parishioners and stated that Fr. Njus' leave of absence would continue as he completes "his academic studies during the next semester" and would not be returning to the parish, but rather a new pastor would be appointed. (App'x JON#9, Announcement of Bishop Earl Boyea, dated January 5, 2009.) The announcement further stated that a farewell gathering would be scheduled for Fr. Njus, after which he would be given "a new pastoral assignment in the spring of 2009." (*Id.*) A few weeks after the announcement was issued, Bishop Boyea revoked the October 1, 2008, Precept, restoring Fr. Njus' priestly faculties, with two conditions: That he be "obligated to provide sacramental preparation only at the parish office where you are serving" and that he "refrain from counseling individuals or families on other personal issues. They are to be referred immediately to appropriate staff or professionals." (App'x JON#10, Letter from Bishop Earl Boyea to Fr. Jeffrey Njus, dated January 29, 2009.) Six months later, in July 2009, Bishop Boyea revoked the two conditions, but asked that any sacramental preparation or counseling occur at the parish office or buildings. (App'x JON#11, Letter from Bishop Earl Boyea to Fr. Jeffrey Njus, dated July 29, 2009.)

By letter dated February 19, 2009, Jane Doe 35 wrote to Bishop Boyea and thanked him for getting the help Fr. Njus needed. (App'x JON#12, Letter from Jane Doe 35 to Bishop Boyea, dated February 19, 2009.) By handwritten letter dated February 24, 2009, Bishop Boyea thanked Jane Doe 35 for her letter and apologized for the actions of Fr. Njus. (App'x JON#13, Letter from Bishop Earl Boyea to Jane Doe 35, dated February 24, 2009.) Jane Doe 35 died the following year "with no animosity toward the Church or with Fr. Jeff." (App'x JON#14, Memorandum from Msgr. Steven Raica to Bishop Boyea, legal counsel, and File, dated June 8, 2010.)

In a letter addressed to "For Diocesan Files," dated February 27, 2010, Fr. Bernard L. Reilly, pastor of St. Mary Cathedral in Lansing, Michigan, wrote that on

February 26, 2010, following Mass, 15-year-old parishioner Jane Doe 37 alleged "that Fr. Jeffrey Njus passed by her in the Sacristy after Mass and touched her – at this time she pointed to an area which was on her left side, ahead of her bicep area but behind her breast area." (App'x JON#15, Letter from Rev. Bernard L. Reilly to "For Diocesan Files," dated February 27, 2010, p 1.) Fr. Reilly also wrote that Jane Doe 37 said it was "with one finger and as one touch." (*Id*.) Jane Doe 37 "said that it made her feel uncomfortable being around him and would make her feel uncomfortable serving for him." (*Id*.) Fr. Reilly spoke to Sr. Joan, whom Jane Doe 37 said was in the Sacristy at the time the alleged incident occurred, and Sr. Joan stated that she did not recall seeing or sensing that anything inappropriate happened. (*Id*.)

On February 27, 2010, Fr. Reilly met with Fr. Njus and informed him of Jane Doe 37's allegation. (*Id*. at 2.) Fr. Njus was "devastated for several reasons: it might affect Jane Doe 37's thoughts about going to the Convent when she graduates; it would mean only speaking – not showing by a pat or touch – his appreciation for the [altar] servers serving; and what it could mean to him overall." (*Id*.) Later, Fr. Njus, with Sr. Joan, apologized to Jane Doe 37 "with the assurance that he would never do anything to make her feel uncomfortable again" and offered the same sentiment to Jane Doe 37's dad, who thought it was probably just an accident. (*Id*.)

On August 21, 2012, Bishop Boyea issued an immediately-effective decree that restricted the priestly faculties of Fr. Njus, after finding that allegations of "boundary violations with an adult female" employee "have the semblance of truth." (App'x JON#16, Decree of Bishop Earl Boyea, dated August 21, 2012.) The bishop had "received copies of emails purporting to have a character of spiritual direction" with the employee, during the time that Fr. Njus served as the St. Mary Cathedral Parish Parochial Vicar. (*Id*.) The bishop found that said boundary violations violated the Code of Pastoral Conduct. (*Id*.) Consequently, Fr. Njus was "excluded from all sacred ministry" and was "not to have a public participation in the Most Holy Eucharist" or "provide any further spiritual direction to clerics or lay faithful or to hear their confessions." (*Id*.) Fr. Njus was also prohibited from having any contact with Jane Doe 38, the alleged victim, or members of her family. (*Id*.) Effective on same date, Fr. Njus was put on administrative leave "during this time of comprehensive assessment and treatment." (App'x JON#17, Letter from Bishop Earl Boyea to Fr. Jeffrey Njus, dated August 21, 2012.)

On September 4, 2012, Diocese of Lansing VAC Adrienne Rowland interviewed Jane Doe 38, and the former summarized the latter's allegations, in part pertinent, as follows:

> Jane Doe 38 reported that she was teaching [at a parish school] and because she was feeling "over my head" she sought out a young adult group where she met Fr. Njus. She reported that she was "attracted to Fr. Njus as a priest" and that she desired spiritual direction from him.

Jane Doe 38 confided to [F]ather Njus that she desired to follow a spiritual direction and that she wanted to enter a religious life. Jane Doe 38 reports after informing Fr. Njus of this that he began wanting to meet with her more often to assist her in her spiritual journey. Jane Doe 38 reported that Fr. Njus was willing to talk to her about her divorced parent and she felt she could confide in him completely. Jane Doe 38 reported that by the winter of 2009 it was apparent that she was not going to continue teaching and began considering going into the convent. . . . Jane Doe 38 reported that in January of 2010 Fr. Njus kissed her on the cheek and while she admits she felt like it was a slight violation, she did not think too much of it.

Jane Doe 38 reported that by February of 2010, she felt as if Fr. Njus was "beginning to pursue a relationship" with her as she felt worried that she felt the lines were blurring because of her "joy in pursuing the Lord." Jane Doe 38 reported that 'Fr. encouraged me in my feelings that I had for him' and that she felt confused by his interest in meet[i]ng with her. She stated that "Fr. took on the role of reassuring me." Jane Doe 38 described every encounter as a "deep spiritual conversation and self examination." Jane Doe 38 stated that she felt confused why the conversations always seemed to be about her. Jane Doe 38 stated that Fr. Njus said that "[i]t would be like turning back on God to deny the intensity of their relationship." Jane Doe 38 reported that in April of 2010, Fr. Njus shared personal information about himself regarding having been in counseling in the past which she reports felt that was further evidence that he was trusting her.

Jane Doe 38 reported that in May of 2010 she attended a Young Adult Retreat for Pentecost and at that time she confronted Fr. Njus and said "you are in my head all the time, like you are my conscience and I don't like it." Jane Doe 38 said that Fr. Njus responded by saying "I like it when you are confrontive and feisty." Jane Doe 38 stated that Fr. Njus told her that a couple of his friends who were priests also confronted him about their relationships and warned him that Jane Doe 38 would fall in love with him. Jane Doe 38 reported that she did not see Fr. Njus much during the summer of 2010 however, space was created for her to do ministry work which made it clear to her that the relationship would not stop.

Jane Doe 38 reported that she was not confident about going into the convent at that time and in September of 2010, she and Fr. Njus began going to Adoration together in the Crypt. Jane Doe 38 admitted to feeling a little uncomfortable because they were alone but she states that Fr. Njus' confidence is what made her trust the situation. Jane Doe 38 reported that during the Adoration in September, Fr. Njus said

> "[i]f I saw you naked I don't think anything else would be different." Jane Doe 38 stated the following day her relationship with Fr. Njus became physical.
>
> Jane Doe 38 reported that Fr. Njus would "coach" her on proper prayer postures and would have her lay prostrate before the tabernacle. Jane Doe 38 reported that Fr. Njus would refer to himself as the "friend of the bride groom" as he was in on the romance between Jane Doe 38 and the Lord. Jane Doe 38 reported that she would share every doubt and concern that she had with Fr. Njus and she reported that he would "always confirm that it was a good thing." Jane Doe 38 stated that Fr. Njus would "coach me to not let myself worry about my guilty conscience" as she was learning about her own sexuality and becoming a woman.
>
> Jane Doe 38 reported that the physical aspect of her relationship with Fr. Njus included holding while praying in the crypt. Jane Doe 38 reported there was also kissing and touching . . .
>
> [App'x JON#18, Victim Assistance Coordinator Allegations Record, , by Adrienne Rowland, dated September 13, 2012, pp 1–3.]

During the same September 4, 2012, interview, Jane Doe 38 told VAC Rowland that, as a result of the alleged sexual abuse she suffered, she had experienced problems eating and sleeping and had feelings of snapping. (*Id.* at 5.) Jane Doe 38 also said that she considered committing suicide on two occasions and felt tortured and unable to trust herself. (*Id.*) She said "that she doubts God and the church and that she has a lack of trust for authority which is confusing." (*Id.*) In response to Rowland's question as to how the Diocese could help her, Jane Doe 38 stated that "she would benefit from financial assistance to receive therapy." (*Id.* at 6.) Rowland also suggested that the Diocese could help Jane Doe 38 with job-seeking assistance. (*Id.*)

After Jane Doe 38 met with Rowland, Jane Doe 38 forwarded several emails between her and Fr. Njus, and a few of the emails written by Fr. Njus are quoted below:

> Are you free? Yes. Could you say no? Yes. Could you settle for less? You could. And honestly you'd be happier than most of the people in the world with what you already know and experience. But he knows and I know and you know about this deeper desire in your heart for a true love. One time you called it a horrible longing. And he is responding to that beautiful and powerful desire the only way he could. With a love that takes in all of you, body and soul and most of all your

heart. He wants to love all of you, so he gave me a mission to love you in every way, as a father, brother, friend, and foster-lover.

[App'x JON#19, Email from Fr. Jeffrey Njus to Jane Doe 38, dated October 14, 2010, pp 1–2.]

Our Lord's love is different. His love is secure. You can trust his love for you absolutely and he wanted you to know that. He didn't want to leave you with a suspicion of his love or your loving of him, that maybe you weren't doing it right in receiving his love or maybe you weren't really loving him in return.

So he found a way to show you. He couldn't just tell you. No, he had to show you. So he filled the heart of this little priest with a deep and passionate love for you. Strong and true. And I don't tell you as much as show you. That's why I really should shut my mouth more and just be with you because when I am with you I always love you, truly deeply and always with him. Yes, this is so truly of him that it can't be merely from me. He is showing you how he loves you. How much it means to him that you spend time with him. How you delight him, just being you and how nothing can change that. I feel in my heart for you what he feels in his Sacred Heart. Even if just a little bit, it is still the same love. His powerful true and beautiful love for you. A love you can trust and in which you can rest secure.

You wondered out loud why he wanted you to have this doubt. And I said he doesn't. I do believe that he wants to get rid of that. To replace that doubt with confidence. That's the only thing he would 'change' about you. He loves you as you are. But that part of you is a place he loves in you so that he can heal you there. The doubt can't remain in the same place as his love. Perfect love will cast that out and then there will be nothing in your heart but love. Your heart will be full of his love and you will be completely free to love him and your neighbor too. (I do live next door, you know.)

So surrender. That's my one encouragement to you. Surrender more and more to this love. Let it pour into you and flow through you. It has never, not ever, let you [sic] astray. Let love carry you… It will carry you to me and with me for a little while. And it will always carry you to Him. In love, with love, to Him who is love.

[App'x JON#20, Email from Fr. Jeffrey Njus to Jane Doe 38, dated October 14, 2010, pp 1–2.]

So I'm glad that you're patient with me and try to love me in spite of my faults. And I'm so grateful for the opportunity to love you even

> though I can't love you completely. But even more, I'm grateful for this frutration [sic.] and that Jesus is ultimately the only one for you. Here's where I get to be what I love to be the most, a friend of the Bridegroom. I do want to be a good friend to him, and to you. So I'm so glad that I get to help draw you two closer together in my little way.
>
> [App'x JON#21, Email from Fr. Jeffrey Njus to Jane Doe 38, dated October 15, 2010, p 1.]

By letter to Bishop Boyea dated December 14, 2012, Fr. Njus resigned as pastor of St. Anthony Parish and apologized for "the serious mistakes I made before I came to Hillsdale[.]" (App'x JON#22, Letter from Fr. Jeffrey Njus to Bishop Earl Boyea, dated December 14, 2012.) Bishop Boyea accepted the resignation by letter dated December 21, 2012, and, eight months later, again wrote to Fr. Njus to define the relationship between Fr. Njus and the Diocese of Lansing. (App'x JON#23, Letter from Bishop Earl Boyea to Fr. Jeffrey Njus, dated December 21, 2012; App'x JON#24, Letter from Bishop Earl Boyea to Fr. Jeff Njus, dated August 23, 2013, pp 1–2.) Bishop Boyea wrote that "[h]aving completed the course of therapy at St. John Vianney Center in Pennsylvania and now entering the next phase of your journey," that phase "includes the expectation that you will secure gainful employment that will enable you to react with others on a peer basis while continuing in out-patient therapy and monthly meetings with your support team." (*Id.* at 1.) In addition to setting forth the terms and length of interim compensation and benefits, Bishop Boyea reiterated that, because Fr. Njus' priestly faculties remained withdrawn, he was not "to function as a priest unless specifically granted by me or my delegate." (*Id.* at 2.)

By letter dated November 30, 2016, Fr. John C. Giel of the Diocese of Orlando (Florida) wrote to Bishop Boyea, advising that Fr. Njus, who had moved to that area to help his parents, had been "assisting at Ascension Catholic Church in Melbourne," and, as such, requested that Bishop Boyea complete a suitability statement, so that the Orlando diocese could grant Fr. Njus priestly faculties to minister there. (App'x JON#25, Letter from Fr. John C. Giel, Chancellor of Canonical Affairs, to Bishop Earl Boyea, dated November 30, 2016.) Fr. Michael Murray, moderator of the curia and associate general counsel for the Diocese of Lansing, wrote to Fr. Giel by letter dated January 4, 2017, as a follow-up to an interim telephone conversation between the two men and in reply to Msgr. Giel's request, and provided details regarding Fr. Njus' "improper relationships" with three adult women; he further advised that, consequently, the Diocese of Lansing could not submit a suitability statement on behalf of Fr. Njus. (App'x JON#26, Letter from Reverend Michael Murray to Very Reverend John C. Giel, J.C.L., V.G., dated January 4, 2017, p 1.) Fr. Murray also wrote that, if the Orlando diocese chose to allow Fr. Njus to minister in its diocese, the Diocese of Lansing required that it provide a complete copy of Fr. Njus' file to the Diocese of Orlando. (*Id.* at 2.)

By letter dated May 19, 2017, Fr. Njus asked Bishop of Orlando John Noonan to incardinate Fr. Njus into the Diocese of Orlando. (App'x JON#27, Letter from Fr. Jeffrey Njus to Bishop John Noonan, dated May 19, 2017.) On June 5, 2017, Bishop Noonan appointed Fr. Njus "parochial vicar of St. Mary Catholic Church, Rockledge and Ascension Catholic Church, Melbourne, effective June 1, 2017." (App'x JON#28, Letter from Bishop John Noonan of Orlando to Fr. Jeffrey Njus, dated June 5, 2017.) Bishop Noonan also acknowledged Fr. Njus' request for incardination and wrote that Fr. Giel would follow up with Fr. Njus regarding that request at a later date. (*Id.*) The following month, Bishop Boyea wrote to Bishop Noonan to advise that Fr. Njus informed the former of his request for incardination into the Orlando diocese, and further advised that he would excardinate Fr. Njus from the Lansing Diocese upon his receipt of a letter from Bishop Noonan indicating a willingness to incardinate Fr. Njus into the Diocese of Orlando, but Bishop Boyea also cautioned:

> However, in granting his excardination for the purpose of incardination into the Diocese of Orlando by such an act in the future, I must again caution that several adult women have suffered significant boundary violations, and that these victims believe there may have been others.
>
> [App'x JON#29, Letter from Bishop Earl Boyea to Bishop John Noonan, dated July 6, 2017.]

On October 24, 2017, Bishop Boyea again wrote to Bishop Noonan, advising him of the following:

> As you are aware, my Associate General Counsel has been in verbal and written contact with your Vicar General, Father John Giel, regarding Father Jeffrey O. Njus. Father Njus is the priest who no longer has faculties in our Diocese, after several significant boundary violations with adult women. The third violation – with the most egregious facts – occurred while he was living under close diocesan supervision in the wake of the second violation. (As legal counsel has shared with Father Giel, the second and third victims each believes that there have been others.)
>
> When it became clear that Father Njus would be reentering ministry in your Diocese, diocesan legal counsel had our file reproduced in its entirety and shipped to Father Giel. From your diocesan webpage, I understand that Father Njus was appointed on June 1, 2017 to serve as parochial vicar of Saint Mary Catholic Church in Rockledge and Ascension Catholic Church in Melbourne.

> I write today for two reasons. One is to offer, for your information and prayerful reflection, the continued deep concerns expressed by the Review Board of the Diocese of Lansing. When they met on Monday, June 12, 2017, they expressed their opposition to Father Njus ministering anywhere, in light if his track record. When they met again this week, on Monday, October 16, they raised this matter again. I feel duty bound to convey their concerns. Secondly, I would again propose strongly that, if Father Njus will be ministering in the Diocese of Orlando, we should move forward expeditiously with excardination/incardination, so that you will have the full and necessary authority over him.
>
> [App'x JON#30, Letter from Bishop Earl Boyea to Bishop John Noonan, dated October 24, 2017.]

On November 2, 2017, Bishop Noonan promptly replied to Bishop Boyea's letter and advised that, "[b]ecause of your letter, I have removed Father Njus' faculties to serve in the Diocese of Orlando, effective November 1." (App'x JON#31, Letter from Bishop John Noonan to Bishop Earl Boyea, dated November 2, 2017.) Fr. Njus was laicized on September 18, 2019.

(44) FR. JAMES MARTIN NOVAK
(ON DIOCESE OF LANSING CREDIBLY-ACCUSED CLERGY LIST AND THE BISHOP ACCOUNTABILITY SITE.)

Born: November 20, 1931
Ordained: June 1, 1957
Retired: June 25, 1997
Removed from Ministry: November 25, 2002
Laicized: May 14, 2021

The former Fr. James Martin Novak was born on November 20, 1931, in Chicago, Illinois, and was ordained to the priesthood on June 1, 1957, at St. Mary Cathedral in Lansing, Michigan. (App'x JMN#1, Priest Personnel Data sheet.) Fr. Novak retired to senior priest status on June 25, 1997. (*Id.*) Fr. Novak was removed from ministry on November 25, 2002, and laicized on May 14, 2021. (App'x JMN#2, Diocese of Lansing list of clergy with a credible allegation of sexual abuse of a minor, p 4.)

On February 25, 1972, then Fr. Robert Lunsford wrote a memorandum to then Fr. James Murray to advise that Witness 99 of Lansing Catholic Central had informed Fr. Lunsford that Fr. Novak had been hypnotizing students "on several occasions," both in the classroom where he taught "Transcendental Meditation" and in Fr. Novak's office. (App'x JMN#3, Memo from Fr. Robert Lunsford to Fr. James Murray, Chancellor, dated February 25, 1972.) Fr. Lunsford thereafter met with Fr. Novak, and the latter admitted the allegations and explained that he had first discussed hypnotism with a psychologist before he tried it with the students, but he failed to obtain permission from the students' parents to do so. (*Id.*) Fr. Novak also stated that "he ceased the practice because of these difficulties and the possibility of similar situations arising in the future." (*Id.*) Fr. Lunsford wrote that the school principal was satisfied with Fr. Novak's explanation, and Fr. Lunsford believed that Fr. Novak was no longer engaging in the activity and did not see a need to pursue the matter any further. (*Id.*)

More than five years later in August 1977, Witnesses 100 and their 18-year-old son, John Doe 79 met with Fr. Murray and alleged that Fr. Novak attempted to hypnotize John Doe 79 five or six times in July of 1977 with improper motives. (App'x JMN#4, Memo from Fr. J. Murray to Bishop Povish, dated August 23, 1977.) John Doe 79 stated that, during the first attempt, he might have gone into some kind of "hypnotic trance;" however, during the next three attempts, John Doe 79 claimed that he faked being in a trance. (*Id.*) John Doe 79 alleged that, during these fake trances, "Fr. N. told him that upon awaking from the trance all would be normal except 'you will want to remove your shirt and get comfortable on the couch.' " (*Id.*) John Doe 79 stated that he "went along with this whereupon Fr. N. proceeded to rub his bare chest." (*Id.*) Fr. Murray described the fourth attempt of hypnosis as follows:

> The fourth attempt at hypnosis occurred in the guest room of the rectory. The previous three had taken place in the living room at times when Fr. Kaliciak had been away on vacation. Again the same attempt at inducing an hypnotic state on the part of Fr. N. and the pretense on the part of John Doe 79. Also a repeat of the suggestion to remove shirt --- plus a suggestion to lie down on the bed along with a suggestion that John Doe 79 would be unaware of anyone else present in the room. Then Fr. N. suggested that John Doe 79 would feel severe pain in his left side and that the pain would travel down to left thigh and to the groin --- and that John Doe 79 should do whatever necessary to relive the pain – such as loosening his belt. John Doe 79 then pretended to come out of the hypnotic state and complained of severe stomach upset. Fr. N. reacted by reinducing the "hypnotic state." John Doe 79 faked it again. This time Fr. N. placed his hand on his chest and abdomen. John Doe 79 then ceased feigning hypnotic trance --- complained of stomach pains and departed the rectory.
>
> [*Id.*]

Fr. Murray further wrote in his August 1977 memorandum to the bishop that, at some point after the last alleged hypnosis attempt, John Doe 79 went to the rectory with his cousin and told Fr. Novak "that he wanted nothing more to do with him." (*Id.*) Fr. Murray provided a copy of Fr. Lunsford's 1972 memorandum (above referenced) regarding the alleged hypnotic attempts that occurred at Lansing Catholic Central and advised that the Witnesses 100 family was expecting to hear back after Fr. Murray talked to Bishop Povish. (*Id.*)

By letter dated September 22, 1977, Fr. Murray advised Witnesses 100 that Bishop Povish met with Fr. Novak on September 9, 1977, during which time the latter did not deny John Doe 79's allegations, "so it [wa]s only Father's motives that [we]re in dispute." (App'x JMN#5, Letter from Fr. James Murray, Chancellor, to Witnesses 100, dated September 22, 1977.) Fr. Murray also wrote that "Bishop Povish is scheduling another meeting with Fr. Novak in an attempt to clarify the issue." (*Id.*) There are no other documents in the Fr. Novak file regarding the John Doe 79's allegations or what action, if any, Bishop Povish took with respect to Fr. Novak.

On December 19, 1981, Fr. Murray met with Sr. Gloria Roman, Witnesses 102, and Witness 103 , after Sr. Roman of St. Therese Parish called requesting an urgent appointment with the bishop, and alleged that Fr. Novak twice called Witnesses 102s' 11-year-old son, John Doe 80, out class and tried to induce "relaxation." (App'x JMN#6, Memorandum from Fr. James Murray to Bishop Povish, dated December 19, 1981, p 1.) They alleged that Fr. Novak rubbed John Doe 80's stomach. (*Id.*) According to this allegation, both Fr. Novak and the child were fully clothed. (*Id.*) John Doe 80 reported the alleged contact to his parents, and his mother then told Witness 104, who alleged that Fr. Novak also attempted to

hypnotize her 15-year-old son, John Doe 81. (*Id.* at 1–2.) Witness 104 alleged that John Doe 81 pretended to be under hypnosis while Fr. Novak massaged his body, but he ceased the pretense when Fr. Novak started massaging John Doe 81's lower body. (*Id.* at 2.) Witnesses 102, Sr. Roman, and Witness 103 then confronted Fr. Novak regarding the allegations. (*Id.*) They described his reaction as "strange" and alleged that he kept repeating the phrase, "I don't know." (*Id.*) They alleged that Fr. Novak described his actions as "stupid," and promised to not repeat the activity. (*Id.*) Witness 107 told Fr. Murray that it was rumored that there were incidents with other boys, and all of the boys were blond, athletic, and "good looking." (*Id.*) Fr. Murray also wrote that "[a]ll three ladies spoke spontaneously about 'hypnosis' and 'transcendal meditation' – the very same expressions that were used in the 1972" Lansing Catholic Central allegation. (*Id.* at 3.) There is no other document in the Fr. Novak file regarding these allegations or what, if any, action Bishop Povish took with regard to the allegations.

On July 30, 1992, Fr. Murray wrote a memorandum to Bishop Povish regarding an allegation of sexual abuse that had been reported to him the preceding day by Witness 105. (App'x JMN#7, Memo from Fr. James Murray to Bishop Povish, dated July 30, 1992, p 1.) Witness 105 alleged that, when her son was about 12 or 13 years old, he was sexually molested by Fr. Novak. (*Id.* at 2.) Witness 105 alleged that her son told her that Fr. Novak had said "let me help you to relax" and then had him lay down on the floor, after which Fr. Novak allegedly rubbed his back. (*Id.*) It was reported that "[h]e was invited to turn over so that he could rub his chest and later made contact with him sexually." (*Id.*) Witness 105 later stopped going to church and began to abuse alcohol and drugs and did jail time. (*Id.*) Fr. Novak allegedly visited John Doe 82 while the latter was incarcerated, and after that visit, John Doe 82 told his mother that he never wanted to see him again. (*Id.*) It was only two weeks prior to her conversation with Fr. Murray that John Doe 82 told Witness 105 that Fr. Novak sexually abused him. (*Id.*) She told Fr. Murray she would speak to John Doe 82, who resided out of state, to get more specific details regarding the alleged incidents. (*Id.*) Fr. Murray advised Witness 105 that the Diocese would pay for any needed treatment for John Doe 82 and his parents and also stated that the Diocese would "investigate [the matter] thoroughly in keeping with our policy." (*Id.* at 2–3.)

It is unclear from file documents whether Witness 105 followed up with the Diocese in 1992 or whether, at that time, she, her husband, or John Doe 82 accepted the Diocese's offer to pay "for any needed treatment;" however, on December 3, 1997, Witness 105 met with Msgr. Steven Raica, during which time she provided more details regarding John Doe 82's contacts with Fr. Novak. (App'x JMN#8, Memorandum Sub Secreto from SJR to Bishop Mengeling, dated December 3, 1997, pp 1–2.) Witness 105 stated that, when John Doe 82 was about 14 years old in the early 1980s, he began to hang around with "the wrong group at school," so she asked Fr. Novak, the then pastor of St, Therese Parish, to help him as a "good role model." (*Id.* at 1.) Thereafter, Fr. Novak "took John Doe 82 flying and had him over

to the rectory on several occasions to participate in relaxation exercises in which he would lie on the floor – Fr. Novak would rub (massage) his back and then had him turn over to rub his abdomen when this would get sexual." (*Id.*) During this timeframe, John Doe 82 was preparing for confirmation, but because he was "so disturbed" by the alleged episodes, he quit CCD classes and never was confirmed. (*Id.*) At the time, Witness 105 did not know why John Doe 82 had such "disdain" for the Church. (*Id.*) John Doe 82 started drinking, using drugs, and committing crimes, which eventually led him to serving jail time. (*Id.*) At Witness 105's request, Fr. Novak visited John Doe 82 in jail, after which John Doe 82 told her "[d]on't let that man come near me again[.]" (*Id.* at 1–2.) At that time, she explained that she did not understand why John Doe 82 felt that way. (*Id.* at 2.)

During that same December 1997 meeting, Witness 105 told Msgr. Raica that it was not until John Doe 82 reached the age of about 21 years old that he finally disclosed the alleged sexual abuse to her. (*Id.*) Witness 105 also alleged that, since then, she has heard of rumors of other possible incidents of abuse perpetuated by Fr. Novak on others, including students at Lansing Catholic Central. (*Id.*) Witness 105 stated that she wished to find "closure to this painful chapter in her life and in John Doe 82's." (*Id.*) Witness 105 requested that Fr. Novak write a letter of apology, "owning up to his misdeed." (*Id.*) She also wanted the Diocese to reach out to see if others were molested by Fr. Novak, believing that "the diocese has done little for her son and has contributed to his own behavioral problems," and, because the church "shielded" Fr. Novak, it permitted him to continue molesting others. (*Id.* at 2–3.) Msgr. Raica apologized for the actions of Fr. Novak and renewed Fr. Murray's offer to pay for counseling. (*Id.* at 2.)

By letter dated December 22, 1997, the then Fr. Michael Murphy wrote to Fr. Novak, who had retired to Sun City West, Arizona, regarding the allegations of sexual abuse brought by Witness 105 and advised that "Witness 105 is requesting an apology from you for what occurred in the past." (App'x JMN#9, Letter from Fr. Michael Murphy, Moderator of the Curia, to Fr. James Novak, dated December 22, 1997.) Fr. Murphy also advised Fr. Novak that Bishop Carl Mengeling would be notifying Bishop Thomas O'Brien, Diocese of Phoenix, of the Witness 105 allegations. (*Id.*) On December 22, 1997, after Bishop Mengeling called Bishop O'Brien and informed him of the Witness 105 allegations, Fr. Novak's priestly faculties to minister in the Diocese of Phoenix were suspended, "until such time as the issue of this allegation is favorably resolved." (App'x JMN#10, Letter from Rev. Michael Diskin, Assistant Chancellor of the Diocese of Phoenix, Arizona, to Fr. James Novak, dated December 22, 1997.)

By letter dated December 27, 1997, Fr. Novak wrote, in part, the following in reply to Fr. Murphy's December 22, 1997 letter:

> I do want to tell you, though, that I cannot recall any incident between John Doe 82 [sic.] and myself. In fact, I can barely remember the

> name. I'm not saying that nothing happened, but that I have absolutely no memory of it. However, it's obvious that something transpired to bring pain into the lives of the Witness 105 [sic.] – something that I did, and I am truly sorry. I have written a letter to Witness 105 [sic.]. I am inclosing it, so that you may peruse it, if you wish. I would be grateful if you would send it in to her.
>
> [App'x JMN#11, Letter from Fr. Novak to Fr. Murphy, dated December 27, 1997.]

Enclosed with Fr. Novak's letter to Fr. Murphy was a letter of same date to "Witness 105 [sic.]," which read as follows:

> In his Second Letter to the Corinthians, St. Paul talks about how we carry God's treasure in earthen vessels. I was reminded of that thought as I reflected on the current situation. How could a person, entrusted with such treasure by God, be responsible for bringing pain into the life of another? And all I can conclude is that the "earthen vessel" can become so puffed up with itself, that it is, at the time, unmindful of the treasure within it.
>
> With that said, I would like to extend to you, and to John Doe 82, my deep regret for what I may have done to bring this trauma into your lives. There is nothing that can justify this breach of your trust on my part. All I can do is offer my apology for misusing the confidence you placed in me. I hope that you and John Doe 82 will be able to forgive me. But my greater hope is that this letter will constitute, at least in some small way, to bring the beginnings of healing to what, I'm sure, is a very painful wound.
>
> I ask that you pray for me. Be assured that I will do the same for you.
>
> [App'x JMN#12, Letter from Fr. James Novak to "Witness 75," dated December 27, 1997.]

By letter dated February 5, 1998, Fr. Murphy wrote to Bishop O'Brien of Phoenix and advised that Fr. Novak had sent an apology letter to the Witness 75's family and that Fr. Novak, in his letter to Fr. Murphy, stated that he "had no memory of the incidents" that were alleged; however, "he does make an apology for any injury he has caused." (App'x JMN#13, Letter from Fr. Michael Murphy, Moderator of the Curia, to Bishop Thomas O'Brien, dated February 5, 1998.) Fr. Murphy also wrote that he sent a letter to Witness 75 and requested that she provide the Diocese "some response to this apology by the end of January 1998," but none had yet been received. (*Id.*) Fr. Murphy also wrote that the Diocese of Lansing offered counseling to John Doe 82, but he had "not received word back." (*Id.*) Consequently, Fr. Murphy wrote that, "[s]ince we have not heard anything, I would

think it would be appropriate, if you so desire, to restore the faculties of Father Novak." (*Id.*)

In response to Fr. Murphy's letter, on February 20, 1998, Bishop O'Brien wrote the following:

> My staff and I have carefully reviewed your letter regarding this situation. Regretfully, none of us feel very comfortable and, as a result, and for the foreseeable future, I will not be granting him the faculties of the Diocese of Phoenix. I know this will be a disappointment to him but I hope you understand. I hope I am not being unfair to him, however, this is a difficult situation, as you know.
>
> [App'x JMN#14, Letter from Bishop Thomas O'Brien to Fr. Michael Murphy, dated February 20, 1998.]

In accord with Bishop O'Brien's above-quoted decision, on February 18, 1998, his assistant chancellor wrote the following to Fr. Novak:

> Upon review of the information sent from the Diocese of Lansing to Bishop O'Brien concerning the allegation which had been made against you and your response, it is my unfortunate duty to inform you that Bishop O'Brien has determined not to restore the faculties of the Diocese of Phoenix to you.
>
> [App'x JMN#15, Letter from Fr. Michael Diskin, Assistant Chancellor of the Diocese of Phoenix, to Fr. James Novak, dated February 18, 1998.]

In August 2000, Witness 75 again contacted the Diocese of Lansing and told Msgr. Lunsford that John Doe 82 "was suicidal and that he is beginning to talk more about what happened." (App'x JMN#16, Memorandum from Msgr. Robert Lunsford to Bishop Carl Mengeling, dated August 13, 2000.) She further told Msgr. Lunsford that she thought the alleged sexual abuse by Fr. Novak "was only touches," but that John Doe 82 has more recently told her that he was "raped and sodomized." (*Id.*) She stated that John Doe 82 now wished to "go into a rehabilitation center but lacks the ability to support his family when he is in treatment." (*Id.*)

On August 25, 2002, Bishop Mengeling removed Fr. Novak's priestly faculties, writing that "[t]he credible allegations made against you by John Doe 82 [sic.] and his family, members of St. Therese parish, require this." (App'x JMN#17, Letter from Bishop Carl Mengeling to Fr. James Novak, dated November 25, 2002.) He also wrote that, "[e]ven though the prosecuting attorney's office in Lansing decided not to pursue them because of the statute of limitations, it is in your best interest and that of the diocese that your faculties be removed." (*Id.*)

On August 24, 2010, the *Lansing State Journal* published an article that stated, *inter alia*, that Fr. Novak had been accused of sexual abuse and was removed permanently from ministry. (App'x JMN#18, Lansing Diocese Believes Priest Abused Boys in 1950s, 1960s, *Lansing State Journal*, by Lavey, Kathleen, dated August 24, 2010, p 2.) By letter dated September 2, 2010, Fr. James Conlon, pastor of St. Mary Parish in Westphalia, Michigan, wrote the following to Msgr. Raica:

> Further to our conversation last Sunday morning regarding the recent revelations about Fr. Novak, I thought it might be useful to let you know about the response here at St. Mary Parish to the recent news report and to my statement to the parish at Masses on Sunday.
>
> On the whole, the response has been one of great disappointment and deep sadness. While some seemed to be aware of the rumors, most were not and were deeply shocked. However, there have been many who remember Fr. Novak as being both "ornery" and bad tempered and who expressed no surprise. In the aftermath of these recent disclosures many commented that he paid particular attention to the young men of the parish and took them on overnight trips to his cottage, flights in his aircraft and even led a special bible study for boys alone. While they had no evidence of any wrongdoing on his part they now believe that this kind of behavior placed young boys in danger and Fr. Novak in the line of temptation. I have put a not[e] in my bulletin informing anyone who has concerns or allegations to make to contact directly Adrienne Rowland. It will be interesting to see if anything comes to light.
>
> You will recall that during our conversations following these disclosures I was particularly concerned to discover the answers to two questions that were circulating in the parish, namely, **"had the diocese known when Fr. Novak was appointed here of his predilection <u>and</u> were there any allegations arising from his time here?"** I was particularly keen to be able to answer these questions in my statement to the parish and to put parishioners' minds at rest.
>
> In response you told me that as far as you could tell the answer was "no" to both questions. However, in light of my statement to the parish several parishioners approached me to express their doubts about this first answer. Many of these were ex-St. Therese parishioners who claim that at the time of Fr. Novak's transfer here it was well know[n] to the parishioners of St. Therese and to the diocese that Fr. Novak had molested several boys in the parish. One parishioner late[r] came and spoke with me privately as her best friend's brother was one of these victims. She claimed that prior to Fr. Novak's transfer he was

> sent on a short "sabbatical" and that it was well known that it was related to his activities. She also claimed that she approached the then pastor of St. Mary, Westphalia, Fr. McDougall, and expressed her concerns about Fr. Novak. He seemed quite aware of the situation and told her that "*it was being dealt with and would not be a problem.*" This she understood to mean that the bishop and the diocese were taking care of the situation and that there would be no further incidents. She also said that she begged Fr. McDougall to speak with the then principal of the parish school Sr. Myra so that she might be aware of the situation and be on her guard. She later discovered that this was never done. She later spoke with Sr. Myra about the situation.
>
> Monsignor, this parishioner, an outgoing member of my pastoral council, spoke with such conviction, clear recall and detail that I can only believe the truth of her words. She has no agenda or desire to hurt the church. Her silence over the years bears testimony to this fact. If what she has said is true then the files at the diocese are clearly incomplete in regard to Fr. Novak. Either someone recklessly failed to record these terrible accusations or he intentionally failed to record them, either way, they put others in potential danger and this is unforgivable! Is it possible to confirm whether Fr. Novak went on sabbatical before coming here and to where and for how long? Maybe this might help fill on the missing gaps! I believe that we ow[e] the people the full truth of the situation if we are ever to restore their trust in us and the good name of the presbyterate.
>
> As regards the overall handling of this situation I feel it is only fair to express my personal disappointment that I was not told of these revelations before they were disclosed to the media. Luckily, I heard of the news report before anyone had a chance to let the pastors in on this before it was published in the newspaper so that we could have prepared for the response from our people?
>
> [App'x JMN#19, Letter from Fr. James Conlon to Msgr. Steven Raica, Chancellor, dated September 2, 2010, pp 1–2) (emphasis in original.)]

According to the Priest Personnel Data sheet, Fr. Novak served as pastor of St. Mary Parish in Westphalia from June 29, 1988, to his retirement date of June 25, 1997, immediately following the end of his time as pastor at St. Therese Parish in Lansing. (App'x JMN#1, Priest Personnel Data sheet.) There is no notation of a leave or sabbatical, nor is there any mention of either in the Fr. Novak file.

In early July of 2013, Fr. Novak moved back to Michigan, settling in Kalamazoo. (App'x JMN#20, Letter from Fr. Jim Novak to Bishop Boyea, dated June 6, 2013.)

About one week prior to his move, the Diocese of Lansing informed the Diocese of Kalamazoo that Fr. Novak was moving into the Kalamazoo diocese and also that Fr. Novak was without faculties, having been "accused of significant misconduct with young people." (App'x JMN#21, Letter from diocesan Legal Counsel and Chief of Staff, to Bishop Paul Bradley of Kalamazoo, dated June 26, 2013.)

Two years later in 2015, Bishop Boyea wrote to Fr. Novak, requesting that the latter cooperate with the Diocese's plan to commence laicization proceedings against Fr. Novak. (App'x JMN#22, Letter from Bishop Earl Boyea to Fr. James Novak, dated September 2, 2015.) In accord with that request, Fr. Novak signed a Waiver of Notice, consenting to the Diocese's petition for laicization and waiving notice of further proceedings. (App'x JMN#23, "Waiver of Notice Regarding the Matter of James M. Novak," dated September 30, 2015.)

By letter dated October 18, 2015, to Msgr. George Michalek, Fr. Novak wrote, in part, the following:

> Much to my deep regret, there were a few sexual improprieties in my life between 1977 and 1986. There ha[s] been nothing of that sort since. My life has been totally celibate since 1986, and as far as I am concerned, will remain so until the day I die. I have been reconciled to Our Lord, thanks to the Sacrament of Penance and to personal prayer and penance for the last almost 30 years. And, in accordance with the direction I was given, have continued to offer the Holy Sacrifice privately.
>
> [App'x JMN#24, Letter from Jim Novak to Msgr. George Michalek, dated October 18, 2015.]

On November 12, 2015, not knowing "what happened to my letter of early October [2015]" Fr. Novak again wrote to Msgr. Michalek:

> I signed the Waiver to proceed with laicization on the advice and counsel of Bishop Boyea, not because I was anxious to have the process proceed. Laicization or not, it is my intention to live a celibate life until the day of my death. Even though there were problems in the early 80's, after nearly 60 years, I wouldn't know any other way to live. I had hoped that after almost 30 years of regret, prayer and penance, I could live out the rest of my life as I have been. But, apparently, that is not to be. As I remarked to Bishop Boyea when we met, it seems rather ironic that this whole process will take place during the coming Year of Mercy and Forgiveness.
>
> [App'x JMN#25, Letter of Rev. James Novak to Msgr. George Michalek, dated November 12, 2015.]

On March 2, 2018, Witness 106, who went to Lansing Catholic High School, emailed the Diocese and alleged that Fr. Novak "would hypnotize students an[d] then touch you where you shouldn't be touched." (App'x JMN#26, Email from Witness 106 to Cheryl Williams-Hecksel, dated March 2, 2018.) He further alleged the following:

> Later on, I found out that he did the same thing to my future brother in law when my parents sent him to Fr. Novak so he could convert to marry my sister. He was around 25 at the time. I have several friend[s] from that class that had the same thing happen. The main time was in Owosso when 5 of us including my younger brother went there. We took turns going to confession. One of us walked in unannounced and saw our friend with his pants down around his ankles. Now at 56 [I] understand why so many boys went thru the same thing and never said anything. [*Id.*]

In reply to Witness 106's email, VAC Williams-Hecksel asked to meet with Witness 106 and explained her role as the diocesan victim-assistance coordinator. (App'x JMN#27, Email of Cheryl Williams-Hecksel to Witness 106, dated March 4, 2018.) After Williams-Hecksel followed up with Witness 106 a second time, not getting a reply to her first email, Witness 106 replied and wrote that he was thinking about meeting, but really could not afford to make a trip to Lansing and questioned how she could help him "besides trying to save my home from foreclosure." (App'x JMN#28, Email from Witness 106 to Cheryl Williams-Hecksel, dated March 26, 2018.) Williams-Hecksel responded on same date and offered to schedule a phone meeting instead of an in-person meeting, to which she received no reply; so she again emailed Witness 106 on July 30, 2018, and he replied and advised that he would call her when he had the time to do so and also wrote that he went golfing with some of his high school friends, and one of them allegedly had a worse experience (presumably with Fr. Novak) than Witness 106 did. (App'x JMN#29, Email from Cheryl William-Hecksel to Witness 106, dated March 26, 2018; email from Cheryl Williams-Hecksel to Witness 106, dated July 30, 2018; and email from Witness 106 to Cheryl Williams-Hecksel, dated July 30, 2018.) It is not clear from file documents whether Witness 106 called or otherwise made contact with the Diocese again.

On October 5, 2018, Witnesses 107 called the Department's tip 30, MSP Supplemental Incident Report 0001, NIS-0000013-18, dated October 30, 2018, p 1.) On October 22, 2018, Sgt. Craig Carberry of the MSP interviewed Witnesses 107 at their home. (*Id.* at 1–2.) Witnesses 107 stated that there were two incidents involving her son, John Doe 83, the first allegedly having occurred between 1979 and 1980 when John Doe 83 was in third grade. (*Id.* at 2.) She alleged that Fr. Novak pulled John Doe 83 out of his classroom and took him to an empty classroom and asked him if he wanted to wrestle, and John Doe 83 declined and asked Fr. Novak to take him back to class, which Fr. Novak did. (*Id.*) Witness 107 alleged that the second incident occurred between 1981 and 1982, when John Doe 83 was in

the fifth grade. (*Id.*) She alleged that, after confession one day, Fr. Novak called John Doe 83 to Fr. Novak's office, during which time Fr. Novak told John Doe 83 that he could hypnotize him. (*Id.*) Fr. Novak allegedly had John Doe 83 lay on the priest's desk while Fr. Novak "swung an object back and forth" while he rubbed John Doe 83's stomach. (*Id.*) "As Fr. Novak continued to do this[,] he put his hand down the front of John Doe 83's pants." (*Id.*) John Doe 83 got off the desk and ran back to his classroom. (*Id.*)

In this October 2018 interview, Witnesses 107 told Sgt. Carberry that John Doe 83 told a friend about the incident, who told his mother, who told Witness 107. (*Id.*) Witnesses 107 called Sr. Gloria Roman at St. Therese School and reported the incident, after which the two of them and John Doe 83's friend's mother, Witness 103, confronted Fr. Novak the following day. (*Id.*) After confronting Fr. Novak, Witness 107 stated that he told them, "I didn't mean to hurt anybody." (*Id.*)

Witness 107 stated that the alleged sexual abuse was reported to the Diocese. In his report, Sgt. Carberry summarized that part of the interview as follows:

> Sister Gloria immediately called the Diocese for an appointment with the Bishop. A meeting was set up for the next day. Upon their arrival, they were met by Father Murray, they were never received by the Bishop. Upon meeting Father Murray, his initial statement to them was "you don't need to tell us his name, we already know." Father Murray told them the church will look into it and something will be done. Witness 107 stated this was the last she heard from the church, there were no calls, letters, or any other type of communication after the incident was reported. I asked Witness 107 if there was ever a non-disclosure or any type of settlement. Witness 107 stated there was no other communication from or with the church.
>
> I asked Witness 107 what happened to Father Novak after this incident was reported. Witness 107 stated Father Novak was sent to California for a sabbatical and to get counseling. Father Novak was in California for approximately 3 months. Upon completion of his counseling/sabbatical, he was allowed to return to St. Therese. Father Novak was at St. Therese until the early 1990's. After this Father Novak went to St. Mary Parish in Westphalia, where he was defrocked in the early 2000's.
>
> [*Id.* at 3.]

Sgt. Carberry twice called John Doe 83 and left voice-mail messages, identifying himself and requesting a return call or email regarding the alleged incidents with Fr. Novak. (*Id.* at 4.) However, John Doe 83 never returned the calls or otherwise made contact with Sgt. Carberry. (*Id.*)

On October 10, 2019, John Doe 84 emailed the Department's tipline, writing that he had information concerning Fr. Novak. (App'x JMN#31, Department of Attorney General, Criminal Division, File No. 2018-02227975-A, dated November 29, 2019, p 2.) On November 7, 2019, Department Special Agent David Dwyre interviewed John Doe 84, who alleged that he was sexually abused by Fr. Novak approximately six times when John Doe 84 was a student at St. Therese School in Lansing, commencing when he was in sixth grade and ending when he was in ninth grade. (*Id.*) John Doe 84 told Special Agent Dwyre that he had not reported the sexual abuse in the past because he did not want to hurt his mother, who thought of Fr. Novak as a friend and who would have blamed herself had she known what happened. (*Id.* at 3.) Special Agent Dwyre summarized his interview with John Doe 84 regarding the alleged abuse as follows:

> John Doe 84 and his family attended St. Therese Catholic Church in Lansing, MI. Ater a family death, John Doe 84 family. It was during this period, John Doe 84 began spending one-on-one time with Father Novak. At the time he believed that Father Novak was attempting to comfort his family by spending time with them, but he now realizes that Father Novak was just trying to get close to him.
>
> Father Novak had a private pilots license and he knew that John Doe 84 was interested in flying, so he would allow him to fly with him on multiple occasions. John Doe 84 also spent time with Father Novak at the St. Therese rectory. He would watch movies and drink Faygo Red Pop with Father Novak. John Doe 84 would shower at the rectory and described the bedroom and bathroom as being connected. He remembers Art Bossi, an associate priest, saying that John Doe 84 was one of his (Father Novak['s]) boys now. John Doe 84 stated that he also started working for the church in a janitorial capacity.
>
> John Doe 84 described the abuse beginning when he was in 6th grade. While in the rectory, Father Novak would put him in a chair in a corner in his rectory bedroom and light a round candle and try to hypnotize him by telling him to relax. John Doe 84 said it did not feel right. He described the bedroom has [sic.] having a clear table, two end tables near the bed and the window facing the parking lot. He said that [the] bedroom was on the upper level of the rectory. He also remembers Father Novak having a Macintosh high end stereo.
>
> Father Novak would eventually make John Doe 84 lay on his bed and have him take his shirt and pants off. While John Doe 84 laid on his back, Father Novak would rub lotion on his bare chest. He said the lotion smelled like tobacco. While rubbing the lotion on him, Father Novak would say that he wanted John Doe 84 to fall asleep. Father Novak would eventually work his way down to John Doe 84's genitalia,

> where he would rub and masturbate him. He said Father Novak would tell him to take easy breaths and to relax. John Doe 84 said that during the assault, his eyes were closed, and his arms were frozen to his sides.
>
> [*Id.* at 2.]

In this November 2019 interview, John Doe 84 told Special Agent Dwyre that he believed the alleged sexual abuse "has had an imprint on his sexuality, and lack of confidence." (*Id.* at 3.) He further stated that he does not like being touched to the extent that "he becomes abnormally angry." (*Id.*) He said that Fr. Novak would "sternly grab him by the back of the neck." Further, he stated that he waited to disclose the sexual abuse because he "never had wanted to hurt his mother" and she viewed Fr. Novak as her friend, and he said "she would blame herself for the abuse." (*Id.*)

According to the Diocese list of credibly accused priests against minors, the Diocese noted that Fr. Novak was laicized in 2021.[36]

[36] https://www.dioceseoflansing.org/human-resources/list-clergy-credible-allegation-sexual-abuse-minor (last accessed December 12, 2024).

(45) FR. ROBERT ONOFREY, C.PP.S.

Born: December 18, 1932
Ordained: June 8, 1963
Died: April 28, 2009

Fr. Robert Onofrey, C.PP.S., was born on December 18, 1932, in Cleveland, Ohio. (App'x RO#1, Find a Grave Re Fr. Robert Onofrey, p 1.) In 1954, he entered the Missionaries of the Precious Blood and was subsequently ordained on June 8, 1963. (App'x RO#2, Obituary of Fr. Robert Onofrey, *The Daily Standard*, Obituaries Archive, p 1.) Fr. Onofrey died on April 28, 2009. (*Id.*) He was never incardinated in the Diocese of Lansing.

On May 21, 2002, John Doe 85 called Msgr. Robert Lunsford and alleged that, in 1974 when he was 16–17 years old, he was sexually abused by Fr. Onofrey while the two were on a camping trip. (App'x RO#3, Memo from Msgr. Lunsford to File, dated May 22, 2002.) By letter dated May 23, 2002, Msgr. Lunsford followed up with John Doe 85 and provided him with the contact information for Fr. Onofrey, then residing in Illinois, and his provincial, Very Reverend Angelo Anthony, C.PP.S., of Dayton, Ohio. (App'x RO#4, Letter from Msgr. Robert Lunsford to John Doe 85, dated May 23, 2002.) Msgr. Lunsford encouraged John Doe 85 to contact Fr. Anthony, Fr. Onofrey's superior, to report the alleged sexual abuse that occurred in 1974, and Msgr. Lunsford advised that he would also be in contact with Fr. Anthony to notify him that John Doe 85 would be contacting him. (*Id.*)

By letter dated June 5, 2002, John Doe 85 wrote to Fr. Anthony and reported the alleged sexual abuse. (App'x RO#5, Letter from John Doe 85 to Very Rev. Angelo Anthony, C.PP.S., dated June 5, 2002.) Specifically, John Doe 85 wrote that, in 1974 when John Doe 85 was 17 years old, Fr. Onofrey, who was then assigned to St. Francis Parish in Ann Arbor, Michigan, invited John Doe 85 to go out west on a camping trip. (*Id.*) He wrote that, one night during the trip, Fr. Onofrey bought some beer, and the two of them drank several of them. (*Id.*) John Doe 85 further alleged that, after John Doe 85 went to bed in the tent, he awoke a few hours later to Fr. Onofrey performing fellatio on him. (*Id.*) John Doe 85 wrote that he told Fr.

Onofrey to stop, and he did, but commented that he thought John Doe 85 would "like it." (*Id.*) No other advances were made. (*Id.*) John Doe 85 wrote that he was concerned that Fr. Onofrey might have sexually molested other boys on camping trips and vacations. (*Id.*) John Doe 85 also wrote to Msgr. Lunsford in reply to the latter's inquiry as to whether John Doe 85 would like the Diocese of Lansing to notify the Washtenaw County prosecutor of his allegation against Fr. Onofrey, to which he replied in the affirmative. (App'x RO#6, Letter from Msgr. Robert Lunsford, Chancellor, to John Doe 85, dated May 29, 2002; App'x RO#7, Letter from John Doe 85 to Msgr. Robert Lunsford, Chancellor, undated.)

(46) THE FORMER FR. JAMES FRANCIS RAPP, O.S.F.S. (LISTED ON DIOCESE OF LANSING, ARCHDIOCESE OF OKLAHOMA CITY, DIOCESE OF SALT LAKE CITY, AND DIOCESE OF JOLIET CREDIBLY-ACCUSED LISTS AND THE BISHOP ACCOUNTABILITY SITE.)

Born: May 21, 1940
Ordained: October 21, 1967
Laicized: September 21, 2009
Current Status: Died in prison on September 6, 2024

Fr. James Francis Rapp was born on May 21,1940, and was ordained to the priesthood on October 21,1967 as a member of a religious order. (App'x JFR#1, Archdiocese of Oklahoma City Priest List, p 1.) Fr. Rapp served in the Diocese of Lansing from 1981 through 1986 at Lumen Christi High School in Jackson, Michigan, and was laicized on September 21, 2009. (App'x JFR#2, Diocese of Lansing List of clergy with a credible allegation of sexual abuse of a minor, last updated November 15, 2022, p 15.) Fr. Rapp was a member of the Oblates of St. Francis de Sales, Toledo-Detroit Province, religious order and was never incardinated into the Lansing Diocese. (*Id.*)

On January 6, 1995, John Doe 86 filed suit in the Jackson County Circuit Court against the Jackson Area Catholic School Board, the Diocese of Lansing, and Fr. James Rapp, jointly and severally, alleging that, in the 1984–1985 school year at Lumen Christi High School, Fr. Rapp "undertook a pattern of conduct initially designed to develop a trust relationship with" John Doe 86, then a freshman, and "once this trust relationship was in place, Defendant James F. Rapp undertook and commenced unprivileged and unwanted touching of Plaintiff's person." (App'x JFR#3, *John Doe 86 v. Jackson Area Catholic School Board, et. al*, Jackson County Circuit Court File No. 95-71076-NZ, Complaint, dated January 3, 1995, pp 2–3.) John Doe 86 alleged that he reported the sexual misconduct to the school and the Diocese and was instructed to go to confession, during which his confessor advised him not to speak of the alleged misconduct. (*Id.*) Because of the "incident involved" and "the administration of the sacrament of confession," John Doe 86 allegedly "repressed the memory of the events or was otherwise unaware of his rights relative to commencing

action against the Defendants herein until a period of time within twelve (12) months" of filing his lawsuit. (*Id.* at 3.) Finally, John Doe 86 alleged that, because the Defendants breached duties owed to John Doe 86, John Doe 86 suffered "damages and injuries" for which he sought compensation "in excess of $10,000.00," the then-jurisdictional threshold for a circuit court civil action. (*Id.* at 4.)

Defendants Jackson Area Catholic School Board, the Diocese of Lansing, and Fr. James Rapp answered the complaint. (App'x JFR#4, *John Doe 86 v. Jackson Area Catholic School Board, et. al*, Jackson County Circuit Court File No. 95-71076-NZ, Answer, Notice of Affirmative Defenses and Reliance Upon Demand for Trial by Jury, mailed February 9, 1995.) The Jackson Area Catholic School Board and the Diocese of Lansing later filed a motion for summary disposition, asking the court to dismiss John Doe 86's lawsuit against them. Fr. Rapp appeared to have been separately represented and filed his own answer and dispositive motion. (App'x JFR#5, *John Doe 86 v. Jackson Area Catholic School Board, et. al*, Jackson County Circuit Court File No. 95-71076-NZ, Case File Summary.) After John Doe 86 responded to the motions and a hearing was held, the trial court denied the motions for summary disposition. (App'x JFR#6, *John Doe 86 v. Jackson Area Catholic School Board, et. al*, Jackson County Circuit Court File No. 95-71076-NZ, Defendants Jackson Area Catholic School Board and the Diocese of Lansing's Motion for Summary Disposition, dated September 25, 1995; *John Doe 86 v. Jackson Area Catholic School Board, et. al*, Jackson County Circuit Court File No. 95-71076-NZ, Plaintiff's Response to Defendants Jackson Area Catholic School Board and the Diocese of Lansing's Motion for Summary Disposition, dated October 16, 1995, *John Doe 86 v. Jackson Area Catholic School Board, et. al*, Jackson County Circuit Court File No. 95-71076-NZ, *John Doe 86 v. Jackson Area Catholic School Board, et. al*, Jackson County Circuit Court File No. 95-71076-NZ, Transcript of hearing, on Motion for Summary Disposition held on October 20, 1995; Order Denying Defendants' Motion for Summary Disposition, dated November 9, 1995.) Defendants appealed, and the Michigan Court of Appeals subsequently reversed that order and remanded the case back to the circuit court for an entry of summary disposition in Defendants' favor, dismissing John Doe 86's lawsuit. (App'x JFR#7, *John Doe 86 v. Jackson Area Catholic School Board, et. al*, Application for leave to appeal to the Michigan Court of Appeals and brief in support; *John Doe 86 v. Jackson Area Catholic School Board*, unpublished order of the Court of Appeals, issued March 20, 1996 (Docket No. 190733.)

After John Doe 86 filed his lawsuit, the Diocese of Lansing learned that John Doe 86 had previously signed a Release and Indemnification Agreement on October 31, 1994, with the Oblates of St. Francis de Sales for the sum of $7,500.00. (App'x JFR#8, Release and Indemnification Agreement, signed by John Doe 86, dated October 31, 1994, pp 1–3.)) The release, by its terms, specifically excluded the Diocese of Lansing, Fr. Rapp, and the Jackson Catholic Area School Board. (*Id.*)

In a letter dated October 11, 1995, according to diocesan legal counsel "[t]he Diocese of Lansing knew nothing about Father Rapp and his propensities for pedophilia[,]" and the "Oblates of St. Francis de Sales knew about his situation and did not disclose same to the Diocese of Lansing." (App'x JFR#9, Letter from general counsel to Stephen Henne, dated October 11, 1995, p 1.) The diocesan attorney further wrote that the Oblates had settled an earlier claim by another student who attended Lumen Christi High School and, in that release, the Oblates included the Diocese of Lansing as a releasee. (*Id.*) A copy of the earlier release about which the diocesan attorney referred was not found among the documents relating to Fr. Rapp[37]; however, a letter from the diocesan attorney to the Oblates' legal counsel of Toledo, Ohio, acknowledged receipt of a copy of a "Release and Indemnification Agreement," regarding John Doe 87 Diocese and the school board. (App'x JFR#11, Letter from general counsel of the Diocese to attorney for the Oblates, dated September 23, 1994.) In addition to this letter, there was a letter from the Oblates provincial to Bishop Povish, dated April 5, 1994, offering the following in response to the bishop's "inquiry about Father James Rapp:"

> Father Rapp was removed from Lumen Christi High School and entered St. Luke's Institute in Suitland, Maryland, for an extensive evaluation, I believe in the scholastic year beginning in 1985. After St. Luke's, he received residential, in-patient therapy for eight months at the House of Affirmation in Montera, California. The therapy was quite cathartic since it brought together many previously lost emotional pieces of his personality profile in an intensive way. Upon their recommendation he continued psychological counselling as part of after-care.
>
> I was not provincial superior at that time, although I served on the provincial council until 1986. I knew that Father Rapp was away for treatment, but that Provincial did not divulge the initiating circumstances with us.
>
> In reviewing John Doe 87's letter, I grieve. I grieve most especially that the student was subjected to the described abuse. I grieve as much that no thought was given to any residual effects this may have had for him. If you or [the diocesan attorney] have any recommendations for me, I would be pleased to hear from you.
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> [App'x JFR#12, Letter from James Cryan, OSFS Provincial, to Bishop Kenneth Povish, dated April 5, 1994.]

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[37] According to a May 1, 1995 letter, the Diocese of Lansing did not have a personnel file on Fr. Rapp, but it believed the Oblates did. (App'x JFR#10, Letter from diocesan counsel to John Doe 54 John Doe 103, dated May 1, 1995.) And consistent with that, no personnel file on Fr. Rapp was found among the documents seized during the Department of Attorney General's investigation.

It was reported that, after Fr. Rapp underwent about a year of treatment, the Oblates assigned him to Assumption Catholic Church in Duncan, Oklahoma, in 1991 with the approval of the Archdiocese of Oklahoma City. (App'x JFR#13, BishopAccountability.org., *Former Duncan Priest Faced Prior Allegations*, p 1.)

Thereafter, in 1999, Fr. Rapp pled no contest to two charges of sexual molestation of two John Doe 88 and was sentenced to two consecutive, 20-year prison terms and fined $20,000.00. (*Id.*) After the criminal case concluded, the two John Doe 88 and their families filed civil cases against Fr. Rapp, Archbishop of Oklahoma City Charles A. Salatka, the Oblates of St. Francis de Sales, Archbishop Eusebius Beltran, and Fr. Alfred J. Russell, formerly the Lumen Christi High School principal. (*Id* at 1–2.) "In those cases, the Oklahoma City Archdiocese and the Oblates of St. Francise de Sales have waged vigorous legal battles to protect what they knew about his past, records say." (*Id.* at 1.) To protect Fr. Rapp from being harmed in prison, "a judge sealed information about both cases[.]" (*Id.* at 2.)

In 2002, "Rapp's medical record was among more than 140 pages of previously confidential documents [that were sealed in Fr. Rapp's criminal case] ordered unsealed by a district judge[.]" (App'x JFR#14, BishopAccountability.org., *Records Show Priest's History of Molestation Judge Allows Public Release of Information*, at 1 and 3.) According to that record, Fr. Rapp was diagnosed with "fixated ephebophilia" in 1986. (*Id.* at 1.) "At that time, the Rev. James Francis Rapp acknowledged a history of 'sexual contact…with several youths spread out over 20 years,' wrote Frank Valcour, medical director of the Saint Luke Institute, a private Catholic psychiatric hospital in Maryland." (*Id.*) " 'These sexual disorders are apparently not curable but manageable, much the way alcoholism is an incurable but manageable condition,' " Valcour concluded. " 'In any case, it is important that Father Rapp not be in the presence of youths without another responsible adult there.' " (*Id.*)

Officials of the Archdiocese of Oklahoma City reportedly said that they were unaware of Fr. Rapp's "problems" when he came to the archdiocese in 1991. (*Id.*) The unsealed court documents showed that Diocese of Lansing Bishop Povish warned the archdiocese in April of 1994. (*Id.*) In his letter, Bishop Povish wrote: " 'We fear that more victims are going to emerge from the Jackson high school alumni[.]' " (*Id.* at 2.) He further wrote that,"[i]n light of these developments, I am obliged to alert you to the potential dangers of Father Rapp continuing in the ministry of the archdiocese.' " (*Id.*) It was also reported that a copy of Dr. Valcour's report on Fr. Rapp was provided to Archbishop Beltran by the Saint Luke Institute at that time. (*Id.*) "After learning about Rapp's past, [Archbishop] Beltran sent a letter [in May of 1994] to the Rev. James Cryan, provincial of the Oblates of St. Francis de Sales, denying that either he or retired Archbishop Charles Salatka were [sic.] informed of Rapp's background. Beltran said Salatka was told Rapp had undergone counseling but understood the reason was 'unspecified emotional difficulties.' " (*Id.*) In that same letter, Archbishop Beltran "said he would not

suspend Rapp but wanted him directed to an approved therapeutic center to undergo a new professional evaluation[,]" and his decision regarding Fr. Rapp's future ministry would depend upon those results. (*Id.*) The unsealed court records did not indicate whether the evaluation took place. (*Id.*)

Fr. Rapp continued in his post as pastor of the Duncan parish until "a troubled teen-age boy" accused him of repeated abuse in May of 1999. (*Id.*) The archdiocese and the Oblates reportedly settled that matter for more than $5,000,000.00. (*Id.*)

On February 21, 2009, Pope Benedict XVI dismissed Fr. Rapp from the clerical state and dispensed him from all priestly obligations, including celibacy. (App'x JFR#15, Letter from Mark Mealey, O.S.F.S., Procurator General, to Very Rev. David Whalen, O.S.F.S, Provincial, Toledo-Detroit Province, dated March 20, 2009; JFR#16, Confidential letter from Archbishop Luis Ladaria, S.J., Secretary for the Congregation for the Doctrine of the Faith, to Father Mark Mealey, O.S.F.S., dated February 25, 2009; JFR#17, Congregation of the Doctrine of the Faith "decrevit re D.nus James F. Rapp," Prot. N. 293/08, dated February 21, 2009.)[38] The Pope's decree took immediate effect with no right to appeal. (*Id.*)

In a meeting with Msgr. Raica on May 14, 2009, John Doe 89 alleged that Fr. Rapp sexually abused him when the former was a student at Lumen Christi High School in 1983 through 1985. (App'x JFR#18, Memorandum of Msgr. Steven Raica to Reverend David Whalen, OSFS, dated May 15, 2009, p 1.) John Doe 89 alleged that the sexual abuse started within six months of his arrival as a sophomore student and continued "during his senior year and beyond[.]" (*Id.*) The alleged sexual abuse included Fr. Rapp running his foot up John Doe 89's leg, touching, mutual masturbation, and having John Doe 89 perform fellatio on Fr. Rapp. (*Id.* at 1–2.) The alleged sexual abuse mostly took place in Fr. Rapp's office, but also occurred at other places in the facility, in a trailer, in a house where Fr. Rapp lived with other priests, and in Buffalo, New York. (*Id.* at 2.) John Doe 89 alleged that "[t]he abuse happened at all times of the day." (*Id.*) John Doe 89 believed that a student teacher

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[38] In 2002, "Rapp's medical record was among more than 140 pages of previously confidential documents [that were sealed in Fr. Rapp's Oklahoma criminal case] ordered unsealed by a district judge[.]" (App'x JFR#14, BishopAccountability.org., *Records Show Priest's History of Molestation Judge Allows Public Release of Information*, pp 1 and 3.) The unsealed court documents showed that Diocese of Lansing's Bishop Povish warned the archdiocese in April 1994. (*Id.*) In his letter, Bishop Povish wrote: " 'We fear that more victims are going to emerge from the Jackson high school alumni[.]' " (*Id.* at 2.) He further wrote that, "[i]n light of these developments, I am obliged to alert you to the potential dangers of Father Rapp continuing in the ministry of the archdiocese.' " (*Id.*) According to that record, Fr. Rapp was diagnosed with "fixated ephebophilia" in 1986. (*Id.* at 1.) A copy of the letter written by Bishop Povish was not found among the records seized in the Department's investigation.

named Witness 107B knew the abuse was happening. (*Id.*) He was also "convinced" that other priests at Lumen Christ "all knew what was going on." (*Id.* at 3.)

At the end of their May 2009 meeting, Msgr. Raica told John Doe 89 that Fr. Rapp was a member of the Oblates of St. Francis de Sales and provided John Doe 89 with the name and contact information of the provincial. (*Id.*) Msgr. Raica also advised that Fr. Rapp was serving two 20-year prison sentences and was defrocked by the Pope. (*Id.*) Msgr. Raica also offered the diocesan offices as a venue for John Doe 89 to meet with persons from the Oblates religious order and to notify the Jackson County Prosecutor regarding his allegations. (*Id.*) Finally, Msgr. Raica provided John Doe 89 with information concerning the Diocese's Healing Retreat. (*Id.*)

On June 17, 2011, John Doe 90 emailed Lumen Christi High School, and alleged that he was sexually abused by Fr. Rapp when John Doe 90 was a student at Lumen Christi in the 1980s. (App'x JFR#19, Email from John Doe 90 to official from Lumen Christi High School, dated June 17, 2011.) He alleged that Fr. Rapp had a supervisor, Tom Jansen, who would recruit young boys who were loner types to work and then bring them to Fr. Rapp's house on the lake for "parties." (*Id.*) The boys were then told to recruit other boys onto the "team." (*Id.*) John Doe 90 said he was not the only victim and alleged that members of the school's then-current staff (at the time he wrote the email in 2011) knew about the sexual abuse. (*Id.*) John Doe 90 wrote that the staff "was complicit in covering this up and you also need to know the character of some of the folks you are working with." (*Id.*) John Doe 90 wrote that he was not going to file a lawsuit, but felt that people needed to know about the abuse. (*Id.*) The official from Lumen Christi High School forwarded the email to diocesan legal counsel and Fr. Mattson and advised that he did not really know John Doe 90, although he graduated from the school the year after John Doe 90 graduated. (*Id.*)

On June 16, 2013, John Doe 90 emailed Fr. Mattson, Chair and Superintendent, Department of Education and Catechesis, Diocese of Lansing, expressing his dismay at Patrick Kalahar having been terminated from his position at Lumen Christi High School and believing that Kalahar was dedicated and worked several hours a week because of love and dedication for the school, even though he could have made more money, given his credentials elsewhere. (App'x JFR#20, Letter from John Doe 90 to Fr. Steven Mattson, dated June 16, 2013, pp 1–2.) John Doe 90 then wrote the following regarding his abusive experience as a high school student at the hands of Fr. Rapp:

> . . . Now, Fr. Mattson I am going to share a personal story with you that shows how you have no control or cover it up if something might negatively impact the Catholic church or the Diocese. I was a freshman wrestler at Lumen under a man by the name of Father Rapp. I am sure you know his story – He liked young boys…. He

> actually did some really inappropriate stuff to me when I was 14 years old… I told my parents they went to the administration and they said it would be dealt with…Well it wasn't, and he stayed at our school until he attempted to rape a wrestler 3 years younger than me… Talk about somebody that should have been let go -- Holy cow what does it take… Last I heard your Diocese sent him to Oklahoma to another Catholic institution and he ended up being convicted for 2 counts of rape and is either in prison or dead –where he belongs if you ask me. My point is people knew about this creep and the Diocese did nothing about it. My problem is Pat may have made a decision in a gray area about something but not in the least bit criminal (not molesting a student by the way!) and you fire him while you knowingly let a priest who is a pedophile around young boys for 3 years – WOW… Enough said.
>
> [*Id.* at 2 (emphasis in original).]

Two years later, in 2015, diocesan VAC Adrienne Rowland interviewed John Doe 90 regarding the sexual abuse he allegedly suffered from Fr. Rapp. (App'x JFR 21, Victim Assistance Coordinator Allegations Record, by Adrienne Rowland, dated August 20, 2015, p 1.)[39] John Doe 90 told Rowland that, in 1981, while he was a high school freshman student at Lumen Christi, Fr. Rapp invited him to be on the school's wrestling team. (*Id.*) A couple of weeks later, John Doe 90 went to Fr. Rapp's office to talk to him about wrestling. (*Id.*) John Doe 90 closed the office door and sat opposite Fr. Rapp, and then the latter arose and walked up behind John Doe 90 "and started rubbing his shoulders." (*Id.*) "Rapp then reached in front of John Doe 90 and undid his pants and was touching his legs and privates." (*Id.* at 1–2.) "John Doe 90 said that Rapp then forcefully (but not violently) stood John Doe 90 up, and pushed him face first against his desk where he then lowered John Doe 90's pants and underwear to expose his buttocks." (*Id.* at 2.) John Doe 90 believed that Fr. Rapp then unzipped his own pants and "pressed his penis against John Doe 90's buttocks." (*Id.*) John Doe 90 alleged that Fr. Rapp might have "partially penetrated" his anus, after which John Doe 90 "shoved Rapp back" and told him to get off him. (*Id.*) He was 14 years old at the time this alleged incident took place. (*Id.*) A couple of weeks later, John Doe 90 "poked his head into Rapp's office" and told him "[t]here's no way in hell I'm wrestling." (*Id.*)

During the same 2015 interview with Rowland, John Doe 90 stated that he told his mother what allegedly happened, and she reported the incident, but "nothing was done." (*Id.*) John Doe 90 also alleged that John Doe 86 (referenced above) was sexually abused by Fr. Rapp and suspected many other boys were as well, but he

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[39] There are no other records concerning John Doe 90 among the documents seized to ascertain what precipitated the interview and whether there was any other interim communication between John Doe 90 and diocesan officials.

was uncertain who. (*Id.*) John Doe 90 advised that he would like the Diocese to assist him with residential-substance-abuse treatment. (*Id.* at 4.) Rowland recommended that John Doe 90 meet with an official from Catholic Charities for an evaluation and recommendation for what therapy would be the most appropriate for John Doe 90, and as of the date Rowland's report was written, John Doe 90 was "waiting to hear from the Diocese what treatment options may be available and approved." (*Id.*) (The Diocese of Lansing has confirmed that it financially supported John Doe 90 in various ways in the years following his report.) The Diocese also offered support therapy for John Doe 90's girlfriend. (*Id.*)

By letter dated March 27, 2013, Attorney Mitchell Garabedian wrote to Bishop Earl Boyea and alleged that his client, John Doe 92 was approximately 15 years of age when John Doe 92 was a student at Lumen Christi High School. (App'x JFR#22, Letter from Mitchell Garabedian to Bishop Earl Boyea, dated March 27, 2013, p 1.) Attorney Garabedian further wrote that "John Doe 92's demand for settlement is $1,000,000.00." (*Id.* at 2.) By letter dated May 2, 2017, the Diocese of Lansing denied "legal responsibly" for the alleged harm caused to John Doe 92, but "as a matter of charity and not from legal obligation," offered to reimburse John Doe 92 $29,924.80 for therapy expenses and expenses incurred to attend a meeting. (App'x JFR#23, Letter from the diocesan attorney to Mitchell Garabedian, dated May 2, 2017, pp 1–2.) In a letter dated May 10, 2017, Attorney Garabedian accepted the Diocese's offer on behalf of John Doe 92. (App'x JFR#24, Letter from Mitchell Garabedian to diocesan counsel, dated May 10, 2017.)

On January 12, 2015, the Department of Attorney General charged the former Fr. Rapp with three counts of first-degree, criminal sexual conduct and ten counts of second-degree, criminal sexual conduct "for his alleged sexual assault of several Michigan boys in the late 1980s" when he served at Lumen Christi High School in Jackson, Michigan. (App'x JFR#25, State of Michigan Attorney General Release, *Schuette Charges Former Michigan Priest in 1980s Sexual Abuse Cases*, dated January 12, 2015, pp 1–2.) In June 2015, the Department charged the former Fr. Rapp with four additional counts of first-degree, criminal sexual conduct and two additional counts of second-degree, criminal sexual conduct, and on February 29, 2016, pursuant to a plea agreement, the former Fr. Rapp pled no contest to three counts of first-degree, criminal sexual conduct, and to three counts of second-degree, criminal sexual conduct. (App'x JFR#26, State of Michigan Attorney General Release, *Former Priest Pleads No Contest to Six Criminal Sexual Conduct Charges*, dated February 29, 2016, p 1.) On April 29, 2016, the former Fr. Rapp was sentenced to up to 20-to-40 years in prison. The former Fr. Rapp commenced his prison sentence in Michigan on July 27, 2023, after he completed his consecutive sentences in Oklahoma, and he is currently registered on the Michigan Sex Offender Registry. (App'x JFR#27, Michigan Sex Offender Registry, Michigan State Police, Re James Francis Rapp.)

On October 10, 2018, the Department received the following email from a man, who wished to remain anonymous, alleging that Fr. Rapp raped him when the man was a student at Lumen Christi High School:

> Student at Lumen Christi in the 1980's. During this time I was raped by then priest James Rapp. Fortunately there are braver souls than me in this world. James Rapp is now serving 20 to 40 years in prison for first- and second-degree criminal sexual conduct. I supposed some justice was done. Yet as a man in his fifties who still wakes up in the middle of the night in tears it somehow feels too little too late. I just hope that someday the catholic church stands up and does the right thing rather than making excuses for the demons in their midst and then giving some halfhearted statement only after they have been publicly shamed into it. I can tell you this. In four years I cannot recollect feeling the love of Christ inside this 'Christian' organization one time, but I carry the shame, hurt and scars it gave me every day. I have left an email, but wish to remain anonymous. My parents are alive, and still do not know. They thought they were protecting me by sending me to a safe Catholic school. Thank you for taking the time to read this.
>
> [App'x JFR#28, Email from an anonymous man to the Department, dated October 10, 2018.]

(47) FR. JASON EMMANUEL SIGLER
(ON CREDIBLY-ACCUSED CLERGY LISTS FOR DIOCESE OF LANSING, ARCHDIOCESE OF DETROIT, AND ARCHDIOCESE OF SANTA FE AND ON THE BISHOP ACCOUNTABILITY SITE.)

Born: July 11, 1938
Ordained: June, 1, 1966
Ceased Active Ministry: 1982
Laicized: February 23, 1999

By letter dated April 19, 1966, Fr. A. F. Schoen, Rector of St. Joseph's Seminary in Edmonton, Alberta (Canada), wrote to Archdiocese of Winnipeg Archbishop George Flahiff to advise that a first-year seminary student alleged that Jason Sigler, then a fourth-year seminarian, had "an excessive preoccupation with sex." (App'x JES#1, Letter from Fr. A.F. Schoen, Rector, to Archbishop G.E. Flahiff, C.S.B., D.D., dated April 19, 1966.) Consequently, the staff at the seminary recommended that Sigler's ordination be deferred. (*Id.*) Fr. Peter Dunphy, from the Archdiocese of Winnipeg, investigated the allegation and agreed that the statements claimed to have been made by Sigler "showed an excessive preoccupation with sex." (App'x JES#2, Report of my visit to St. Joseph's seminary, Edmonton, following the receipt of Father Schoen's letter of April 19, 1966, signed by Fr. Peter Dunphy, dated April 22, 1966, pp 1–2.) Examples included repeated references to parts of a woman's body, prevalent use of the word, "fuck," saying he needed "a good piece of . . . .," and saying that he was going to go somewhere "and find a whore." (*Id.* at 3.) When confronted by the rector, Sigler confessed to using some language and "realized how improper and unpriestly it was." (*Id.*) The rector told Fr. Dunphy that the matter did not seem as bad as it seemed when he wrote to Archbishop Flahiff and "was inclined to think that probably there was no weakness of character behind it." (*Id.*) Fr. Dunphy also spoke to Mr. Sigler, who was then worried about the seriousness of what had occurred. (*Id.* at 4.) Mr. Sigler admitted the allegations and said that he learned a lesson. (*Id.*) Fr. Dunphy next spoke to the first-year seminarian, who confirmed the allegations and stated that such language was a "regular thing" with Mr. Sigler, not just a one- or two-time occurrence. (*Id.*) Finally, Fr. Dunphy spoke to Fr. Mueller, Sigler's spiritual advisor, who stated that he spoke to Sigler about the matter "at some length." (*Id.*) Fr. Mueller did not think that Sigler's character was defective, but that he was "sounding off" to impress others. (*Id.*)

Fr. Sigler was ordained to the priesthood for the Archdiocese of Winnipeg (Manitoba) in June of 1966. (App'x JES#3, Letter from Fr. Jason Sigler to Bishop Alexander Zaleski, dated August 26, 1968, p 1.) Two years later, in a letter dated August 26, 1968, Fr. Sigler wrote to Bishop Alexander Zaleski, requesting "to be accepted as a priest in the Diocese of Lansing." (*Id.*) Fr. Sigler wrote that he was diagnosed with "recurrent upper respiratory infections which are greatly aggravated by the severe winters and extreme variations in the climate of Manitoba," and, therefore, it was recommended that he "seek a more temperate

climate." (*Id.*) Fr. Sigler wrote that he was born in River Rouge, Michigan, and had two priest friends in the Detroit area. (*Id.*) Fr. Sigler's Manitoba physician also wrote to Bishop Zeleski and confirmed his diagnosis and recommendation for Fr. Sigler to move to a "more temperate climate, where conditions are less extreme." (App'x JES#4, Letter from a medical doctor to Bishop Alexander Zaleski, dated September 3, 1968.)

By letter dated September 10, 1968, Bishop Zaleski wrote to Fr. Sigler, after first speaking to Archbishop Flahiff and reading the physician's letter, and advised that he would accept Fr. Sigler into the Lansing Diocese "on an experimental basis." (App'x JES#5, Letter from Bishop Alexander Zaleski to Fr. Sigler, dated September 19, 1968.) He further wrote that, "[i]f everything works out well, we can think in terms of a more permanent arrangement." (*Id.*) On October 4, 1968, Archbishop Flahiff wrote to Bishop Zaleski, advising that he was willing to release Fr. Sigler to the Diocese of Lansing on an experimental basis. (App'x JES#6, Letter from Archbishop G. M. Flahiff of Winnipeg to Bishop Alexander Zeleski, D.D., dated October 4, 1968.) Archbishop Flahiff further wrote "Father Sigler is an excellent young priest, devoted and zealous, and will assuredly be an asset to your Diocese." (*Id.*)

By letter dated March 5, 1970, Fr. James Sullivan, see entry no. 49 below, vice-chancellor for the Diocese of Lansing, wrote the following to Archbishop Flahiff:

> Unfortunately, early this week Father Elmer Wieber, the pastor of St. John's Parish in Jackson where Father Jason Sigler was assigned, came to see Bishop Zaleski and report[ed] that Father Sigler had become involved in some homosexual activity in the parish. To avoid any conflict with the law, Bishop Zaleski found it necessary to ask Father Sigler to leave. It was Bishop Zaleski's intention to ask him to return to you, but Father Sigler asked if it would be possible to search out another solution.
>
> At Father Sigler's request, I called Father Petho in St. Mary's Parish, North Branch, in the Archdiocese of Detroit. Father Petho is a close friend and graciously consented to take Father Sigler for the time being. Thereupon I contacted Bishop Gumbleton from Detroit who said that he would take Father Sigler for the present providing that he would obtain psychiatric help. I am sure that Father Sigler would agree to any recommendations offered him since he is very definitely committed to the priesthood.
>
> [App'x JES#7, Letter from Fr. James Sullivan, Vice-Chancellor, to Archbishop George Flahiff, C.S.B., dated March 5, 1970.]

Fr. Sullivan also wrote a letter to Archdiocese of Detroit Bishop Thomas Gumbleton on March 5, 1970, which read as follows:

> Following our telephone conversation of yesterday, I am writing to inform you that Father Jason Sigler is presently at St. Mary's Church, Burnside in North Branch. Father Sigler came to the Diocese of Lansing upon his personal request for medical reasons and also with the authorization of his Archbishop.
>
> I am enclosing a copy of Archbishop's Flahiff's recommendation. Recently, because of the situation that developed in Jackson, Bishop Zaleski found it necessary to Ask Father Sigler to leave immediately. Thereupon at Father Sigler's suggestion and in his presence, I called Father Petho who graciously consented to take Father Sigler in since he knew him and the family.
>
> Father Sigler was most cooperative in following all of our recommendations, realizing that it was a difficult situation. I am sure that he would be most anxious to search out proper guidance and help.
>
> [App'x JES#8, Letter from Fr. James Sullivan, Vice-Chancellor, to Bishop Thomas Gumbleton, dated March 5, 1970.]

On March 12, 1970, the auxiliary bishop of the Archdiocese of Detroit wrote the following to Father Petho:

> In accord with arrangements that Father James Sullivan from Lansing made with you, I am granting faculties of the diocese to Father Jason Sigler until the end of Easter Week, April 4th. I trust that you and/or Father Sigler will get in touch with Bishop Schoenherr in the very near future to work out some more definite arrangements for him.
>
> [App'x JES#9, Unsigned letter from Auxiliary Bishop of Detroit to Father Petho, dated March 12, 1970.]

By letters dated April 8, 1970, and April 22, 1970, Msgr. N.J. Chartrand, Chancellor, Archdiocese of Winnipeg, twice responded to a letter written by Fr. William F. Tobin of Via Coeli, the first time, advising that Cardinal Flahiff was out of town when Fr. Tobin's letter arrived, and the second time, responding on behalf of the Cardinal, in part, as follows:

> His Eminence was aware that Father Sigler had left [the] Lansing Diocese and had returned to Detroit because of a "problem," but that was the first time His Eminence or our Archdiocese was aware of the existence of such a problem. No further communication took place until your kind letter of March 31.

> We would not wish Father Sigler to be disturbed unnecessarily, but His Eminence asks if you could let me know how Father Sigler came to Via Coeli. Was he sent by Bishop Gumbleton or by the Diocese of Lansing, or did he come of his own volition? Did he ask that you contact His Eminence or was the contact made because he indicated that his diocese of incardination was canonically Winnipeg?
>
> While we realize that we are canonically and morally obligated to help Father Sigler in his need, you can realize that he did leave us a year and a half ago to settle in a diocese with a more favourable climate with the intention of not returning.
>
> [App'x JES#10, Letter from Msgr. N.J. Chartrand, Chancellor, to Fr. William Tobin, s.P., Superior, dated April 8, 1970, and unsigned letter from Msgr. N. J. Chartrand, Chancellor, to Fr. William Tobin, s.P., Superior, dated April 22, 1970, pp 1–2.]

By letter dated April 23, 1970, prior to receiving a response from Fr. Tobin, Archbishop Flahiff wrote to Fr. Sullivan in the Lansing Diocese, looking for clarification as to why Fr. Sigler went to Via Coeli for "help with his problem." (App'x JES#11, Letter of Cardinal George Flahiff, Archbishop of Winnipeg, to Fr. James Sullivan, Vice-Chancellor of the Diocese of Lansing, dated April 23, 1970.) In that letter, Archbishop Flahiff wrote the following:

> I was away a great part of the Months of April and March, hence my failure to acknowledge sooner your kind letter of March 5th. Because of the delicacy of the matter contained in the letter, no one else attempted to do so. Let me thank you, even at this late date for the kindness and understanding shown Father Sigler both by yourself and by Bishop Zaleski. The same applies obviously to Father Petho in Detroit and to Bishop Gumbleton.
>
> Since I had heard nothing from Father Sigler himself or from anyone in the [A]rchdiocese of Detroit, I had decided to wait for a "progress report" of some kind. However, just as I was preparing to write to you, I received a letter from Father William Tobin, Superior at Via Coeli in Jemeze [sic.] Springs, New Mexico, informing me that Father Sigler had arrived there requesting help with his problem. Because you happen to be my last contact, I am wondering if you can give me any information as to whether this might be part of "the psychiatric help" that Bishop Gumbleton had recommended with a view to Father Sigler's continuing in the [A]rchdiocese of Detroit or whether Father Sigler had undertaken it entirely on his own. The latter has made no appeal to me for help, yet I presume, from Father Tobin's letter, that Via Coeli is looking for support from some source, since he makes no reference to any arrangements having been made in advance for

> Father Sigler. I would be grateful for any information you could give me, or any lead. Naturally, I would want to help Father Sigler in any way I can. It is just that I am in the dark as to what the exact situation is at present. I feel sorry for him. There seems to be no evidence here of activities along the line mentioned either at the seminary when he first came to us from the archdiocese of Detroit or in his period as assistant in a parish. Please God, something can be done for him. As you say, he is indeed committed to the priesthood and he did good work while here.
>
> [*Id.*]

By letter dated June 10, 1970, Fr. James Murray, then Chancellor of the Diocese of Lansing, wrote the following to Msgr. Chartrand, Chancellor of the Diocese of Winnipeg:

> As I indicated to you by telephone, it is my understanding that Father Sigler is at Via Coeli. It is not possible to allow Father Sigler to return to the Diocese of Lansing in as much as the civil law enforcement agency of Jackson County, Michigan, agreed not to prosecute, provided Bishop Zaleski could assure them that Father Sigler would be transferred out of the Diocese permanently.
>
> [App'x JES#11, Letter from Fr. James Murray, Chancellor, to Msgr. N. J. Chartrand, Chancellor, Archdiocese of Winnipeg, dated June 10, 1970.]

On June 23, 1970, Fr. Sullivan of the Lansing Diocese wrote the following to Archbishop Flahiff:

> During the last few weeks our contact with Father Sigler has been through Father John Fackler who was his pastor at St. John's, Jackson for a few months. Father Fackler informs us that Father Sigler is most anxious to take whatever treatment is recommended at Via Coeli for his rehabilitation regardless of what is expected.
>
> In talking with Father Fackler before he went to Father Petho, there was no question in my mind how anxious he was to receive help and more than relieved to know that his problem was out in the open, at least among his friends. If this would have happened a few weeks earlier, I am sure that a more watchful eye and a kind word would have been very helpful in waylaying what finally took place.
>
> I am not specifically certain whether Bishop Gumbleton insisted on this treatment but I knew that he was recommending that Father Sigler obtain some professional help if he were to continue in the Diocese of Detroit.

> Father Sigler is very dependent on you and is most grateful for your attention and kindness towards himself and obviously this is expressed in your letter of concern. When one knows that he has a Bishop with your pastoral insight, he can feel confident that the work of Christ will continue.
>
> [App'x JES#12, Letter from Fr. James Sullivan, Vice-Chancellor, to Cardinal George Flahiff, C.S.B., dated June 23, 1970.]

On June 22, 1973, Archbishop James Davis of Santa Fe (New Mexico), wrote to Diocese of Lansing Chancellor James Murray and advised that Fr. Sigler was seeking incardination into the Sante Fe diocese and, as such, requested Fr. Murray to provide information regarding Fr. Sigler's service at St. John the Evangelist Parish in Jackson in the Lansing Diocese. (App'x JES#13, Letter from Archbishop James Davis of Santa Fe to Fr. James Murray, Chancellor, dated June 22, 1973.) Fr. Murray replied to Archbishop Davis on June 28, 1973, and wrote, in part, the following:

> He [Fr. Sigler] was assigned as an Assistant Pastor in St. John Parish, Jackson, Michigan, where he remained until he left the Diocese in March, 1970. During his assignment, he was well received by the people and was generally effective in the exercise of his ministry. Unfortunately, he allegedly became involved "in re turpi" ["in the matter of shame" as a translation from Latin] with some boys in the parish. The matter had been brought to the attention of the local police by the parents of one of the youngsters. Both the parents and the police agreed not to prosecute on the condition that he leave the Diocese, never to return. To the best of my knowledge, the allegations had some basis in fact. Father Sigler's reaction was one of genuine humility and honesty. He evidenced a sincere desire to seek professional help in overcoming his problem.
>
> [App'x JES#14, Letter from Fr. James Murray, Chancellor, to Archbishop James Davis, dated June 28, 1973.]

Archbishop Davis appeared to have also written the Archdiocese of Winnipeg requesting information regarding Fr. Sigler, inasmuch as Chancellor Chartrand wrote to Archbishop Davis in reply to Archbishop Davis' letter of June 22, 1973. (App'x JES#15, Letter of Msgr. Norman Chartrand, Chancellor, Archbishop James Davis, dated June 26, 1973, p 1.) In his letter, Msgr. Chartrand provided general information regarding Fr. Sigler's education and how Fr. Sigler became incardinated into the Archdiocese of Winnipeg. (*Id.* at 1–2.) Msgr. Chartrand also wrote that "Father Sigler had some difficulty in the Seminary in Edmonton, but this was straightened out and the Archbishop was pleased to ordain him to the Priesthood on June 1, 1966." (*Id.* at 2.) Msgr. Chartrand wrote that Fr. Sigler was allowed to leave the archdiocese in 1968 to go into the Lansing Diocese, on an experimental basis, for the reason that he needed to live in a more temperate

climate for health concerns. (*Id.*) Msgr. Chartrand also wrote that the archdiocese had not had any direct contact with Fr. Sigler after that time; however, Fr. Sullivan of the Diocese of Lansing wrote to the Winnipeg archbishop to advise that Bishop Zaleski "had found it necessary" to ask Fr. Sigler to leave the Lansing Diocese, after which Fr. Sigler went to St. Mary's Parish in North Branch, Michigan, with Bishop Gumbleton's approval. (*Id.* at 3.) Msgr. Chartrand further wrote that, on March 31, 1970, Fr. William Tobin, the superior of Via Coeli (located within the Archdiocese of Sante Fe), wrote to Archbishop Flahiff and advised that Fr. Sigler was at Via Coeli "requesting help for the problem which was the cause of his leaving Lansing." (*Id.*) The Archdiocese of Winnipeg paid for Fr. Sigler's stay at Via Coeli, which was from March 31, 1970, to February of 1971. (*Id.*) However, the archdiocese had "not heard from Father Sigler since 1968." (*Id.*) In closing, Msgr. Chartrand wrote that he hoped "that he can be accepted into Your Excellency's Archdiocese since I do believe he is really committed to the priesthood and the priestly ministry." (*Id.*)

On September 13, 1974, Fr. Sigler wrote to Archbishop Robert Sanchez of the Archdiocese of Santa Fe (Archbishop Davis' successor), memorializing his resignation as Administrator of St. Anthony Parish, Fort Sumner, New Mexico, and his declination of the archbishop's offer of an assignment in Albuquerque, New Mexico. (App'x JES#16, Letter of Fr. Jason Sigler to Archbishop Robert Sanchez, D.D., dated September 13, 1974, p 1.) Fr. Sigler also wrote that he decided to return to the Diocese of Lansing and accepted an offer from Fr. John Fackler, Pastor of St. Robert Parish in Flushing, Michigan, to be Fr. Fackler's assistant at St. Robert. (*Id.* at 1–2.) Fr. Sigler wrote that his "chief reason for reaching this decision is my deep worry and concern about the health and welfare of my parents; especially the poor health of my father." (*Id.* at 1.) Fr. Sullivan and Fr. Fackler were both copied on that letter. (*Id.* at 2.)

By letter dated October 3, 1974, James Sullivan, then the auxiliary bishop of Lansing,[40] wrote the following to Fr. Sigler, regarding the latter's return to priestly ministry in the Diocese of Lansing:

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[40] "Bishop Zaleski's health began to fail and he requested assistance in administration of the Lansing Diocese. Fr. James Sullivan had been working closely within the chancery in several capacities and for various times as Bishop Zaleski's secretary, vice chancellor, director of the vocations and the liturgy office. On September 21, 1972, Fr. Sullivan was consecrated a bishop. He served as Auxiliary Bishop of Lansing from 1972 until 1985. Bishop Zaleski continued as Bishop of Lansing until his death in May 1975." (App'x JES#17, Diocese of Lansing, Office of the Bishop, History of Lansing's Bishops, p 7.) On July 2, 2021, the Diocese of Lansing issued a press release that it "deemed as credible two allegations of sexual abuse leveled against the late Bishop James Sullivan (1929–2006.)"

> I have received copies of your letters to Cardinal Flahiff and Archbishop Sanchez.
>
> It is my pleasure to welcome you back into the Diocese of Lansing. We are always happy to have among our priests those who are anxious and willing to carry-out the responsibilities of the Gospel.
>
> You are fortunate to have Father Fackler as a good friend and, at the same time, a parish that is in great need of further priests' help. Together at Saint Robert the three of you will form a most impressive team and through your concerted efforts the work of the Church will become alive among the people.
>
> I want you to know that you will always be welcome and if I can be of any assistance to you, in any way, I hope that you will feel free to contact me. Asking God to bless you in your work[.]
>
> [App'x JES#19, Letter from Auxiliary Bishop James Sullivan to Fr. Jason Sigler, dated October 3, 1974.]

By letter dated February 1, 1976, Fr. Harry Maher, pastor of St. Mary Magdalen Church in Hazel Park, Michigan, wrote to Archbishop of Santa Fe Sanchez, at the request of Fr. Sigler, and advised that Fr. Sigler had been working at the parish as an associate "[d]uring the last eight months" and was "a very hard worker," who "extends himself beyond what is expected and his willingness to help makes his presence a real asset." (App'x JES#20, Letter from Fr. Harry Maher to Archbishop Robert Sanchez, dated February 1, 1976.) Fr. Maher also wrote that it was his "understanding that he [Fr. Sigler] will be speaking with you [Archbishop Sanchez] shortly about his desire to work with you." (*Id.*) St. Mary Magdalen Church is and was located within the Archdiocese of Detroit.

In a statement dated January 13, 1983 and signed by Fr. Clarence G. Galli given to the Albuquerque Police Department, Fr. Galli stated that he first met Fr. Sigler at Jemez Springs and then got to know him better when Fr. Sigler worked for him as an assistant pastor. (App'x JES#21, Albuquerque Police Department, Statement of Fr. Clarence Galli, dated January 13, 1983, p 1.) Fr. Galli stated that he provided counseling to Fr. Sigler. (*Id.*) On January 7, 1983, Witness 110 went to see Fr. Galli, and she alleged that Fr. Sigler had sexually molested young boys. (*Id.* at 2.) Fr. Galli suggested that she confront Fr. Sigler about it, but she said it was not her place to do so, so Fr. Galli advised her to have her parents, who were friends of Fr. Sigler, confront him. (*Id.*) Three days later, Fr. Sigler came to see Fr. Galli to

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(App'x JES#18, Diocese of Lansing News, Read: Abuse allegations against the late Bishop Sullivan deemed "credible," dated July 2, 2021, pp 1–2.) The incidents allegedly occurred in the mid-1960s at Church of the Resurrection Parish, located in Lansing. (*Id.* at 3.) See entry no. 49 below.

advise he was going to have surgery, during which conversation Fr. Galli advised Fr. Sigler to contact Witness 110's parents, which he did. (*Id.*) Fr. Galli confronted Fr. Sigler about the allegations, and Fr. Sigler said he and the boys were just engaging in horseplay; there was no intent to have sexual contact. (*Id.*) Fr. Galli stated that Fr. Sigler had been accused of sexually molesting children and that it "was part of his problem in the priesthood." (*Id.*) Fr. Galli stated that, "[w]ith certainty that I've discussed with Jay [Sigler]," he knew of "three occasions when sexual contact was made" with "boys between 15 and 17 years old." (*Id.*) He further stated: "In Las Vegas [New Mexico], after Jay left, I was told by others that he had made sexual advances towards young boys, but since he had already been assigned to Jemez and no one could give me definite names, I never followed it up." (*Id.*) He also stated: "I feel that Jay definitely has a problem, but if he gets the proper treatment and rids himself of all the frustrations of his childhood that he can be a very useful normal human being." (*Id.*) Fr. Galli also stated that, in October of 1981, Fr. Sigler told him he was leaving the priesthood and getting married, and in January of 1982, he moved to Houston, Texas and married "Ann," moving back to Albuquerque shortly thereafter. (*Id.*)

In 1983, Fr. Sigler entered into a Plea and Disposition Agreement in the Bernalillo County District Court in the State of New Mexico, by which Fr. Sigler agreed to plead guilty to the charge of Criminal Sexual Contact of a Minor, a third-degree felony, and the disposition for which would be a deferred, three-year prison sentence and probation with special conditions. (App'x JES#22, *State of New Mexico v. Jay B. Sigler*, Bernalillo County District Court Case No. CR-36860, DA#83-0095-01, Plea and Disposition Agreement, dated October 7, 1983, pp 1–3.)

By letter dated March 4, 1994, Msgr. Ward Jamieson, chancellor of the Archdiocese of Winnipeg, wrote the following letter to Fr. James Murray of the Lansing Diocese:

> The Kennedy Directory lists you as the present Chancellor of the Diocese of Lansing. I wonder if you are the same father Murray who was Chancellor in 1970? I put the question, Father, because we need some information dating back to that time from that Father Murray.
>
> To place the matter in context let me provide you with the following background. In 1968, a young priest named Jason Emmanuel Sigler, incardinated in the Archdiocese of Winnipeg left here for legitimate health reasons and was, ad experimentum for three years, accepted in Lansing Diocese. He was there for some while but was required to leave because of inappropriate behav[io]r by Bishop Zaleski at the time and went from there to Detroit and thence to Santa Fe. He remained incardinated in Winnipeg. I am sure the name is familiar to you in view of lawsuits in Santa Fe and at least some attempt to implicate the Diocese of Lansing in 1992.

The lawyer, for the victims, Bruce Pasternack is now launching an action against the Archdiocese of Winnipeg. We have only very little correspondence on file here. However, none of that correspondence is conclusive in any way. Bishop Saleski has since died as has Cardinal George Flahiff, then Archbishop of Winnipeg.

Therefore, I need to know, and wonder if you remember, did Bishop Zaleski know what the inappropriate behav[io]r of Father Sigler was then, and did he tell Cardinal Flahiff by phone or correspondence? If you were Chancellor then, you or the Vice-Chancellor in 1970, Reverend James S. Sullivan, may have known these details. I would appreciate knowing whatever you knew at that time.

If I do not have the same Father Murray of 1970, perhaps you could direct my inquiry to him. I am grateful for whatever you can tell me of these circumstances so far in the past.

Let me assure you of my own poor prayers for your ministry. Since I share a similar work in the Church I know how important such prayer is from whatever source it may originate.

[App'x JES#23, Letter from Msgr. Ward Jamieson to Fr. James Murray, dated March 4, 1994.]

On March 22, 1994, Msgr. Murray wrote the following reply:

As per our phone conversation today I am enclosing photocopies of pertinent correspondence from the file of the Reverend Jason E. Sigler.

To answer your specific questions as best as my memory allows:

- Bishop Zaleski was aware at the time of the allegations made against Jason Sigler.

- Either Bishop Zaleski or Fr. Sullivan (Now Bishop James S. Sullivan of the Fargo Diocese) did inform Cardinal Flahiff of the accusation.

- As my letter of June 10, 1970, to Msgr. Chartrand indicates, I had informed him by phone and by letter that the Jackson County (Michigan) prosecutor insisted that Jason Sigler must leave the diocese permanently as a condition to avoid criminal prosecution. While I can no longer recall the phone conversation with Msgr. Chartrand, the letter confirms that we had talked by phone prior to June 10, 1970.

[App'x JES#24, Letter from Msgr. James Murray, Moderator of the Curia, to Msgr. Ward Jamieson, dated March 22, 1994.]

In a letter dated April 6, 1994, Msgr. Jamieson wrote to then Bishop James Sullivan, asking whether, during his time in the Lansing Diocese, he told Winnipeg Cardinal Flahiff the details of the "homosexual activity" allegation brought against Fr. Sigler in 1970, when Fr. Sigler was serving at St. John's in Jackson, Michigan. (App'x JES#25, Letter from Monsignor Ward Jamieson, Chancellor, to Bishop James Sullivan of Fargo, dated April 6, 1994.) It is not clear from the Lansing file of Fr. Sigler whether the bishop replied to Msgr. Jamieson's letter.

On March 28, 1995, Msgr. James Murray, who was still the Chancellor of the Lansing Diocese, was deposed in a New Mexico lawsuit filed against the Archdiocese of Santa Fe, Fr. Sigler, Archbishop Sanchez, the Servants of the Paraclete, the Lovelace Institutes, and the Archdiocese of Winnipeg. (App'x JES#26, *John Doe v. Roman Catholic Church of the Archdiocese of Santa Fe, Inc., et. al*, Second Judicial District Court Case Nos. 93-02879, 93-02881, 93-11710, 93-07186, 93-07188, 93-06343, and 93-02883, Deposition of Chancellor James Murray, dated March 28, 1995.) In response to a question asking about what he knew regarding the 1970 allegation referenced in Fr. James Sullivan's March 5, 1970, letter to Archbishop Flahiff made against Fr. Sigler in the Lansing Diocese, Msgr. Murray testified as follows:

> Well, as I understand, it was – and this may be garbled and wrong going back 25 years, but what I do recall of it is that either the police or the prosecutor's office first contacted the pastor of St. John's, Father Wieber, and told him that they had received complaints or a complaint – I don't even know the number – and that they had reason to believe that he had been involved in sexual activity with a minor boy or boys and they – the parents did not want to prosecute, nor did the prosecutor want to prosecute, but they did want to be assured that Father Sigler would leave the diocese, and that's what I recall of it. I don't even know what my source was now because I cannot recall talking about directly with any law enforcement people or with Father Sigler himself. I may have spoken with Father Wieber, the pastor, informally, and I probably got whatever information I got either from Father Sullivan or Bishop Zaleski.
>
> [*Id.* at 22–23.]

In that same deposition, Msgr. Murray also testified that he did not have any direct knowledge of the allegation and could not recall having any involvement back in 1970 regarding the allegation. (*Id.* at 22 and 25.) In response to a question regarding the definition of the phrase "re turpi" that Msgr. Murray wrote in his June 28, 1973, letter to Archbishop Davis, Msgr. Murray testified that the phrase was "Latin out of the moral theology textbooks which would mean a sexual transgression, of a sexual nature." (*Id.* at 35.) Msgr. Murray also testified that he did not receive any response from Archbishop Davis regarding the substance of

Msgr. Murray's letter. (*Id.* at 38.) Msgr. Murray was unaware of any further communication between the Diocese of Lansing and the Archdiocese of Santa Fe. (*Id.*) Msgr. Murray further testified that, unbeknownst to him at the time, Bishop Sullivan arranged for Fr. Sigler to come back to the Lansing Diocese, but it was a brief time. (*Id.* at 6 and 41.) Msgr. Murray stated that he was not aware of Fr. Sigler's brief return to the Diocese of Lansing, until it "came out in the lawsuits." (*Id.* at 6.) During his deposition, Msgr. Murray was shown a letter dated September 14, 1974, from Fr. Sigler (to someone not identified on the record during the deposition) by which he requested to return to Michigan, and Bishop Sullivan was copied on the letter. (*Id.* at 42.) Msgr. Murray testified that a copy of that letter was not in the Fr. Sigler file, and he had never seen it before. (*Id.*) A copy of that letter was not attached to the deposition transcript, nor was a copy of same found during the Department's review of the Fr. Sigler file.

By letter dated December 7, 1994, Archbishop Leonard Wall of Winnipeg wrote to Bishop Povish of the Lansing Diocese, advising that "[t]he Archdiocese of Winnipeg has recently found itself implicated in pending and proposed lawsuits arising out of the activities of Jason Sigler, a former priest of the Archdiocese." (App'x JES#27, Letter from Archbishop Leonard Wall to the Bishop Kenneth Povish, dated December 7, 1994, p 1.) Archbishop Wall explained that "in order to evaluate our position, we need a better and more complete understanding of what happened and what His Eminence, Cardinal Flahiff, who was Archbishop of Winnipeg at the time, knew and when he knew it." (*Id.*) As such, Archbishop Wall requested Bishop Povish to allow the Winnipeg diocese's legal counsel to come to the Lansing Diocese to meet with witnesses and view documentation regarding the "events surrounding Jason Sigler." (*Id.*) Legal counsel for the Diocese of Winnipeg also wrote Bishop Povish the following day, chronologizing and summarizing the archdiocese's documentation regarding what it knew about the 1970 allegation made in the Lansing Diocese against Fr. Sigler and requesting Bishop Povish to allow legal counsel to meet with any clergy who were stationed at St. John's rectory (Jackson) in November of 1968, Fr. Elmer Wieber, Fr. Fackler, and Msgr. Murray. (App'x JES#28, Letter from Peter Lauwers to Bishop Kenneth Povish, dated December 8, 1994.) The letter also noted that, after Fr. Sigler went to Via Coeli on March 31, 1970, he was released early the following year and began working in the Archdiocese of Santa Fe until his return to Michigan in September of 1974. (*Id.* at 1–2.) Fr. Sigler returned to Santa Fe in February of 1976. (*Id.* at 2.) It is not clear from the Fr. Sigler file whether Bishop Povish replied to Archbishop Wall's letter or whether Bishop Povish allowed legal counsel for the Archdiocese of Winnipeg to come to the Diocese of Lansing to meet with the foregoing-named persons and/or view documents regarding Fr. Sigler.

According to the Diocese of Lansing list of clergy with a credible allegation of sexual abuse of a minor, Fr. Sigler was laicized on February 23, 1999.[41]

By letter dated January 11, 2002, Fr. Bernard Reilly, pastor of St. Mary Star of the Sea Parish, wrote to Msgr. Murphy to report that John Doe 94 alleged that he was sexually molested by Fr. Sigler when Fr. Sigler was stationed at St. John the Evangelist Parish in Jackson, Michigan, when John Doe 94 was eight years old. (App'x JES#29, Letter from Fr. Bernard Reilly to Msgr. Michael Murphy, dated January 11, 2002, p 1.) John Doe 94 and his sister believed that three other brothers "were also involved in some was individually with Jason Siegler [sic.]." (*Id.* at 2.) On May 22, 2002, Msgr. Lunsford wrote a memorandum, summarizing a telephone call he had with John Doe 94, which read:

> Tuesday, May 21, 2002. I called Mr. John Doe 94 at 3:20 p.m. He was one of the abuse victims of Jason Sigler in Jackson in 1970. He had little to say other than that he had contacted a lawyer. It was not clear what he wanted. He was the person who contacted us through his sister while visiting her in Jackson in December of 2001. At that time he was looking for Jason Sigler's address.
>
> [App'x JES#30, Memo from Msgr. Lunsford to File, dated May 22, 2002.]

On May 11, 2002, John Doe 95, a prison inmate at the time, wrote the following letter to his parents:

> My Dear Mom & Dad
>
> This is the hardest letter I have ever had to write in my life. The newspaper clippings that you sent to me on May 4th brought back memories and feelings that I have tried to bury the last 28 years of my life. Seeing Father Sigler's face in the newspaper article flooded me with emotion and tears. I have been trying to bury the abuse all my life, with drugs and alcohol. You always's [sic] thought it was you as parent's [sic.], why I turned to substance abuse and was always's [sic] running away from my problems. It had nothing to do with you as parent's [sic.]. God gave me the best parent's [sic] anybody could have asked for.
>
> After the sexual abuse I turned to drugs and Alcohol [sic.] for help. I ran away to South Florida and stole a car to get there. I'm sorry I lied to you about that (the car). It feels like I have been running my whole life away from this problem, but it's time to stop, get this in front of me

[41] See https://www.dioceseoflansing.org/human-resources/list-clergy-credible-allegation-sexual-abuse-minor (last accessed December 12, 2024).

and out in the open, so I can deal with it and get over it. This abuse has ruined my life, [sic.] this is not the life I dreamt I would have. I turned out to be a quitter my whole life, not being able to concentrate or finish school, or college or anything. Now the drug abuse has landed me in prison and I have lost my freedom.

Now I need your help to get this out in the open, [sic] I can do it without your help but it will be easier with your help. I need you to get a hold of John Doe 95 in Macomb Township and tell him I was also sexually abused by Father Sigler and tell him I will make a statement to the Police [sic.] confirming the abuse.

Please tell him he is not alone in this ordeal, and that my prayers are with him. Tell him he can contact me if he wants to. I know together we can get through this, all of us. Mom and Dad, with your help I can get through this. I know I can. My caseworker here is a good man but is way to [sic.] busy to help me,[sic] he has 100 men to deal with and is always to [sic.] busy to see anyone. The mental health counselor's [sic] here are a joke. I have already saw [sic.] a man, Eric Shossler about living in a [sic.] open dorm and he only hurt me and didn't help me at all. This didn't happen here or in this state, so it will be hard to get any sympathy or help while here. Maybe some day [sic.] when I get out I can get some real professional help to deal with this. But for now it's just us. Just remember that I love you with all my heart and feel blessed that I have such wonderful parent's [sic.].

Your son

John Doe 95

[App'x JES#31, Letter from John Doe 95 to Mom & Dad, dated May 11, 2002, pp 1–2.]

On May 28, 2002, John Doe 95 wrote his parents again, thanking them for their "wonderful letters of support" and again writing that the article had brought back feelings that he had tried to bury his whole life with pot, acid, cocaine, and heroin and how much of a disappointment he had been to his parents and family. (App'x JES#32, Letter from John Doe 95 to Mom & Dad, dated May 28, 2002, p 1.) John Doe 95 also wrote the following:

What hurts me the most was that the Catholic Church let Father Sigler come back to Michigan after he agreed not to come back to the state ever again. This should not have happened at all to John Doe 96 or me. Father Fackler knew of his circumstances and still let him be around the Alter Boys [sic.], [sic] there is no excuse for that At All [sic].

> I think John Doe 97 went through some of this also, but I can't be sure for sure. We talked a little about it, but me being the big brother dropped it quickly, more out of embarrassment than any thing [sic.] else. I have a hard time believing the Church let him still be a priest after everything that happened in Jackson. I can't come to terms with this.
>
> I am going to hold oFF [sic] on contacting John Doe 95 for a little while. I don't want my statement tainted in any way. I don't want the Authorities [sic] thinking we cooked up or collaborated in any way on the ABuse [sic.].
>
> They probably don't even want any statement from me anyway, being a prisoner in prison in Utah. I would just like the church to Admit [sic] they were wrong when letting Father Sigler back in Michigan and letting him around Alter **Boys** [sic.] Also [sic.].
>
> [*Id.* at 1–2.]

On June 4, 2002, John Doe 95 wrote to his dad and enclosed a statement for the latter to "turn into the proper authorities" on behalf of the former. (App'x JES#33, Letter from John Doe 95 to his father, dated June 4, 2002.) The enclosed statement read as follows:

> This is my statement of Sexual Abuse [sic.] [that happened to me when I was 13 years old by a Priest [sic.] named Jason Sigler at St. Robert's Church in Flushing, Michigan.
>
> The first time father Sigler had made sexual contact with me was after getting dressed for Altar [sic.] boy service. We (Altar [sic.] boys) were waiting for Mass to start and waiting for father Fackler to give us the cue to begin. Father Sigler was also in the back of the church helping to prepare for Mass. As Father Fackler gave us the cue to start, everybody left the back of the church for the Altar [sic.] and I was the last one to leave when Father Sigler grabbed my butt as I was just about to go through the door to the Altar[sic.] . I was shocked and very embarrassed by this.
>
> Each occurrence after this one, Father Sigler got Bolder [sic.] and more Physical [sic.] with me. My parents always arrived very early for Mass so I was always the first Altar[sic.] boy to arrive and was alone in the back of the church quite often.
>
> This is when Father Sigler would sexually molest me. He would come up to me and put his hand down my pants and inside my underwear and Fondle [sic.] my penis, telling me to relax and telling me how good

I felt to him. He would be doing this to me right at the Altar Boy Robe [sic.] closet. We would be right where the opening doors would shield us a little from anyone coming in to [sic.] the back of the church.

I remember thinking how big his hands were compared to mine and how big they looked going down the inside of my pants and underwear. He would also rub his penis against me as he was Fondling [sic.] me. I could feel it getting bigger against me as he went on with the fondling. Thinking back on these episodes I think Father Sigler found some thrill in almost getting caught at any moment. He was always dressed very nice with black slacks, black shoes and a black shirt on.

Sometimes all he did was to grab my butt or rub up against me, pushing his penis against my body or butt cheeks.

One Saturday we had to have Altar Boy [sic.] practice because there were some new young Altar Boy's [sic.] just starting. Father Fackler and Father Sigler were both there. The older Altar Boys [sic.] were helping the younger ones to understand what they had to do at Mass. After practice all the Altar Boys [sic.] had gone home and Father Fackler had also left. Father Sigler and myself were the only two left. He asked me if I would go downstairs with him because there was something he had to check on in the kitchen he said. Once we got down there he led me into the bathroom. When we were in the bathroom he undid my pants and pushed them down around my ankles. He then did the same with my underwear. Father Sigler started to rub and fondle my Penis[sic.] and sack. He told me to relax and enjoy it. When I started to get bigger he started getting excited and started rubbing his Penis [sic.] against me through his pants. He then took his Penis [sic.]out of his pants and wanted me to rub it. I said "NO," [sic.] I wouldn't even look at him. I had my eyes closed the whole time. He then started to rub his Penis [sic.] against my body anywhere and everywhere he could. I started to get scared and said my parents were probably here to pick me up by now, and that kind of snapped him out of his excitement. I then pulled up my pants and underwear and ran up the stairs and went outside with tears in my eyes.

Shortly after these episodes, I quit being a [sic.] Altar Boy [sic.] for St. Robert's Church and only attended Mass because my parents made me.

[App'x JES#34, Statement of sexual abuse, by John Doe 95, dated June 3, 2002, pp 1–3.]

On June 19, 2002, Msgr. Lunsford informed Bishop Mengeling and Monsignor Murphy that Fr. Steve Makranyi, see entry no. 37 above, had called him and requested that a meeting be scheduled among Bishop Mengeling and Witnesses 111, the parents of John Doe 95, who had recently informed them that he was sexually abused by Fr. Sigler in 1974–1975, when John Doe 97 was an altar server at St. Robert's Church. (App'x JES#35, Memo from Msgr. Lunsford to Bishop Mengeling and Monsignor Murphy, dated June 19, 2002.) Fr. Makranyi stated that the parents were not then filing a lawsuit but were requesting that the Diocese provide counseling for John Doe 95 after his release from prison. (*Id.*) Five days later, Witnesses 111 met with Bishop Mengeling, Msgr. Murphy, and Fr. Makranyi, during which time Witnesses 111 informed the clergymen of their son's allegations of sexual abuse and provided copies of the letters and statement John Doe 95 had sent to them from prison. (App'x JES#36, Memo re John Doe 95 by Msgr. Murphy, dated June 24, 2002.) They also advised that they had provided the information to the Genesee County Prosecutor, Arthur Busch. (*Id.*) The parents of John Doe 95 stated that they wanted the Diocese to pay for counseling after John Doe 95 was released from prison, to which Bishop Mengeling stated that the "diocese would do whatever it could when that situation" occurred. (*Id.*) Msgr. Murphy suggested that they explore whether counseling could be provided to John Doe 95 while he was still imprisoned "with the hopes that it might make his release more successful." (*Id.*) Msgr. Murphy thereafter started making phone calls to ascertain whether that was possible to arrange. (*Id.*)

By an undated letter time-stamped received on July 3, 2002, Witness 111, father of John Doe 95, wrote to Bishop Mengeling and thanked the bishop for meeting with Witnesses 111 "and listening to our plight." (App'x JES#37, Letter from Witnesses 111 to Bishop Carl Mengeling, undated, time-stamped received on July 3, 2002, p 1.) About a week later, Msgr. Murphy wrote to Witnesses 111 and advised that the Diocese in which the prison was located was making efforts to have a priest visit John Doe 95 and to contact a counselor to see if he would be willing to meet with John Doe 95 in prison. (App'x JES#38, Letter from Msgr. Michael Murphy to Witnesses 111, dated July 11, 2002.)

In 2002, Sgt. Hal Telling of the City of Flushing Police Department conducted an investigation of the former Fr. Sigler, after first being contacted on April 15, 2002, by John Doe 98, who was the first of what would ultimately be several men who alleged that he was sexually molested in the 1970s when he was minor by the former Fr. Sigler. (App'x JES#39, City of Flushing Police Department Incident Report No. 02-000321, p 2.) During an interview with Detectives Telling and Gross on April 18, 2002, John Doe 98 alleged that, between March and July of 1975, when John Doe 98 was 13 years old, Jason Sigler, a "visiting priest" at St. Robert's Church in Flushing, sexually assaulted him, after Fr. Sigler befriended John Doe 98's parents. (*Id.*) On the first occasion, Fr. Sigler offered to take John Doe 98 to a movie, and, on the drive to the theatre, "Sigler reached over and grabbed John Doe 98's genitals on the exterior of his clothing." (*Id.*) On the drive back, Fr. Sigler

allegedly resumed the activity, touching John Doe 98's testicles and penis. (*Id*. at 3.) John Doe 98 alleged that Fr. Sigler found ways to be alone with John Doe 98, and, on one such occasion, took John Doe 98 into a bathroom at a church rectory in Detroit, "pulled John Doe 98's pants down and performed oral sex on John Doe 98. (*Id*.) John Doe 98 stated that he ejaculated in Sigler's mouth and then Sigler spit the semen into the toilet in the bathroom." (*Id*.) Later that day, Fr. Sigler allegedly "performed oral sex on John Doe 98 again." (*Id*.) John Doe 98 described a third incident, alleging that Fr. Sigler pulled John Doe 98's pants down and performed fellatio in the St. Robert Church vestibule when John Doe 98 was an altar server. (*Id*.) John Doe 98 described the "molestation/fondling as having happened approximately twenty (20) times as best he can remember during the period of March 1975 through early July 1975." (*Id*.)

During the same April 18, 2002, interview with Detectives Telling and Gross, John Doe 98 alleged that his brother, John Doe 99, had also been sexually molested by Fr. Sigler, when the latter was at St. Robert Church. (*Id*. at 4.) On April 24, 2002, Det. Hall interviewed John Doe 99. (*Id*. at 5.) John Doe 99 alleged that, when he was about 12-to-14 years old, "Sigler placed his hands down the inside of John Doe 99's pants and fondled his penis and testicles." (*Id*.) This allegedly occurred a second time at the John Doe 99 home. (*Id*.)

On April 26, 2002, Det. Telling spoke to Msgr. Robert Lunsford of the Diocese of Lansing, and Msgr. Lunsford stated that, according to Fr. Sigler's personnel file, "on October 1, 1974 Sigler had reached agreement with Pastor John Fackler at St. Robert's parish in Flushing MI to serve as a [sic.] associate pastor while Sigler allegedly cared for his aged, ill parents." (*Id*.) Msgr. Lunsford also stated that it appeared that Fr. Sigler left St. Robert's on May 9, 1975. (*Id*.) "Lunsford stated that there was a notation in the file that indicated that at some point in time Sigler had a temporary assignment in the Clio, MI area as well as being temporarily assigned to Charlotte, MI and Dexter, MI." (*Id*.)

In his 2002 report, Det. Telling wrote the following summary regarding information he obtained from a deposition transcript of Archbishop Robert Sanchez:

> Information obtained from a deposition of Arch Bishop [sic.] Robert Sanchez indicates that on 02-01-76 Jason Sigler was serving as an associated pastor at Saint Mary Magdelene Church in Hazel Park, MI. Shortly thereafter, Sigler went to Santa Fe, New Mexico to serve the arch diocese [sic.] of Santa Fe, New Mexico serving in several parishes there including a parish in Las Vegas, New Mexico, St. Therese parish in Albuquerque, New Mexico also being housed at Servants of the Paraclete in New Mexico and later, being housed at Bethany House in New Mexico. It also appears that Jason Sigler left the priesthood sometime in January of 1982 and some six (6) months later married and was no longer involved in any church functions.
>
> [*Id*. at 6.]

On June 10, 2002, Det. Telling interviewed John Doe 100, after the latter contacted the former regarding the investigation involving Fr. Sigler, after having been told about it by John Doe 98. (*Id.* at 6.) John Doe 100 said that, in 1974, he and his sister commenced attending St. Robert's Catholic School when he was in middle school. (*Id.*) John Doe 100 stated that Fr. Sigler touched the altar boys inappropriately. (*Id.*) "John Doe 100 stated that Sigler would pin the altar servers' arms behind their back and Sigler, having an erection visible through his clothing and robe. Fr. Sigler would push himself up against their buttocks, this while Fr. Sigler and the boys were clothed [,] and attempt to grope their penises." (*Id.*) John Doe 100 alleged this activity happened to John Doe 101 and John Doe 102. (*Id.*) John Doe 100 said this occurred almost every day, and Fr. Sigler became more aggressive. (*Id.*) John Doe 100 alleged that, if he were the first altar server to arrive, Fr. Sigler would pull John Doe 100's pants down and masturbate him. (*Id.*) At times, Fr. Sigler directed John Doe 100 to wait after Mass and then took him into a restroom where Fr. Sigler anally penetrated John Doe 100. (*Id.*) John Doe 100 alleged that this occurred approximately six times, causing him to contract venereal warts in his rectum. (*Id.*) John Doe 100 alleged that the venereal warts eventually developed on his penis. (*Id.* at 7.) This condition caused John Doe 100 to undergo many surgeries and treatments from the age of 14 years old to the age of 28 years old. (*Id.*) John Doe 100 stated that he reported to the school principal that "the priest is playing with us," which resulted in him getting a "paddling." (*Id.*)

On May 20, 2002, Witness 111, the father of John Doe 95, discussed above, met Det. Telling at the City of Flushing Police Department to report that Fr. Sigler allegedly sexually abused his son, John Doe 95. (*Id.*) On June 10, 2002, Witness 111 provided Det. Telling the two letters John Doe 95 had written to his parents, as well as the statement John Doe 95 wrote and asked his dad to deliver to law enforcement. (*Id.*) John Doe 95's statement detailing the alleged sexual abuse was incorporated into Det. Telling's report. (*Id.* at 8.)

On April 10, 2002, John Doe 103 reported to the Archdiocese of Detroit that he was sexually abused by Fr. Sigler. The Archdiocese of Detroit immediately reported the allegation to law enforcement. On March 5, 2003, Det. Telling interviewed John Doe 103, who alleged that he and his brother, John Doe 104, were sexually abused by Fr. Sigler when they were children. (*Id.* at 14–16.) John Doe 103 was a complainant in a Wayne County case against Fr. Sigler. (*Id.* at 14.) John Doe 103 alleged that, from 1964 or 1965 to 1966 or 1967, he was sexually abused by Fr. Sigler about nine times. (*Id.* at 16.) John Doe 103 was approximately 12 to 14 years old at the time of the alleged abuse. (*Id.*) The first alleged incident occurred when Fr. Sigler was a seminarian, and John Doe 103 believed that was the only time Fr. Sigler sexually abused him before his ordination. (*Id.*) John Doe 103 alleged that the two of them were in Fr. Sigler's bedroom at his home in River Rouge. (*Id.*) They were on the bed talking, when Fr. Sigler allegedly began to fondle John Doe 103's genitals over John Doe 103's clothing. (*Id.*) Fr. Sigler then allegedly put his hand down John Doe 103's pants and took out John Doe 103's

penis and put it in his (Fr. Sigler's) mouth until John Doe 103 ejaculated. (*Id.*) John Doe 103 alleged that, on other occasions, when Fr. Sigler was visiting his mother, a devout Catholic who "believed it was an honor" to have a priest in the family, at the John Doe 103 residence, he would "exclude himself from the conversation indicating that he needed to go upstairs and bless the boys before they went to sleep." (*Id.* at 15.) John Doe 103 described what allegedly happened next, and Det. Telling summarized that description in his report as follows:

> John Doe 103 went on to state that each time he was assaulted by Sigler, that he was alone in his bedroom. John Doe 103 stated that Sigler would come into the bedroom and waste little time and begin rubbing his penis through his clothing while discussing school, sports, model cars and various other topics with John Doe 103. John Doe 103 stated that Sigler would almost immediately begin performing oral sex on John Doe 103 and occasionally would whisper, "Does this feel good?" John Doe 103 recalls one particularly circumstance where an attic in the home had been converted to a bedroom and John Doe 103 was in that particular bedroom when Sigler came into the attic which had been converted into a bedroom, performed oral sex on John Doe 103 and as Sigler was leaving, John Doe 103's brother, John Doe 104, who allegedly had been fondled by Sigler, saw Sigler coming from the stairwell attic area and that no words were spoken. John Doe 103 recalls John Doe 104 coming partially into the attic area and asking what had just happened. John Doe 103 stated that he was afraid of what his brother would think and was afraid to reveal what had happened, however, did tell his brother [] that Sigler had just given him a blow job at which point, John Doe 104 said "[o]h my God" and left the area. John Doe 103 also related that John Doe 104, after having been fondled by Sigler would attempt to warn John Doe 103 that Sigler was coming upstairs and to try to hide.
>
> [*Id.* at 15–16.]

On September 6, 2002, John Doe 11 contacted Det. Telling, after hearing about the investigation, and alleged that he had been sexually abused by Fr. Sigler in the mid 1970s when John Doe 11 was a student at St. Mary Magdalene School in Hazel Park, Michigan. (*Id.* at 16.) Because the alleged sexual abuse did not take place in the City of Flushing, Det. Telling referred John Doe 11 to the Wayne County Prosecutor's Office. (*Id.*) However, on April 23, 2003, Det. Telling did interview John Doe 11. (*Id.*) John Doe 11 stated that, after Fr. Sigler was serving at St. Mary Magdalene Parish for about two or three months in 1975, he came to the John Doe 11 home and asked John Doe 11's mother if John Doe 11 could accompany Fr. Sigler to the priest's family home in River Rouge, Michigan, to retrieve some clothing. (*Id.*) Being a devout Catholic and believing Fr. Sigler would be a good influence on the young John Doe 11, John Doe 11's mother gave her permission. (*Id.*) During

the drive to River Rouge, Fr. Sigler allegedly "reached over and began fondling John Doe 11's genitals over the top of his clothing." (*Id.*) John Doe 11, who would have been about 13 years old at the time, was shocked by this action, but did not speak. (*Id.*) Fr. Sigler took John Doe 11 into a bedroom, where Fr. Sigler "gathered some clothing." (*Id.*) John Doe 11 alleged that "Sigler came over to John Doe 11 and removed John Doe 11's clothing and Sigler eventually removed his own clothing." (*Id.*) He said that both men "ended up in the bed" naked, where Fr. Sigler performed fellatio on John Doe 11 and forced John Doe 11's head near Fr. Sigler's genitals in an attempt to get John Doe 11 to perform fellatio on Fr. Sigler, but John Doe 11 refused. (*Id.*) "John Doe 11 stated that oral sex had occurred approximately five (5) times in total over a period of five (5) to six (6) months that he believed Sigler was assigned to the Mary Magdalene Church in Hazel Park." (*Id.* at 17.)

On January 21, 2003, the Genesee County Prosecutor announced that his office would be bringing six felony counts of criminal sexual conduct against the former Fr. Sigler, after authorizing a felony warrant on January 17, 2003, for three counts of first-degree, criminal sexual conduct and three counts of second-degree, criminal sexual conduct, as a result of the allegations made by the John Doe 96 brothers for incidents that allegedly occurred when Fr. Sigler was at St. Robert Parish in Flushing, Michigan, in the mid-1970s. (App'x JES#40, Press release of Arthur Busch, Genesee County Prosecuting Attorney, dated January 21, 2003, p 1; *People v. Sigler*, Genesee County District Court Case No. 2003000103, Complaint Felony, filed January 17, 2003, pp 1–2.) It is noted that, in addition to thanking the City of Flushing Police Department and the Wayne County Prosecutor for their assistance with the investigation, Genesee County Prosecutor Arthur Busch also stated the following with regard to the cooperation his office received from the Diocese of Lansing:

> The Diocese of Lansing and in particular the Bishop of Lansing, Michigan, Carl Mengeling, has been cooperative and helpful to this office in bringing this man to justice. They are an example to the nation in the handling of this type of matter. The church officials have expressed appropriate concern for the victims in this case. They have shared with me their desire to investigate all allegations of wrongdoing and make sure that no person who is a sexual predator is in a position to be a priest. To that end, they have made available records and documents that relate to this case and to other possible incidents.
>
> [App'x JES#41, Press release of Arthur Bush, Genesee County Prosecuting Attorney, dated January 21, 2003, p 2.]

In July of 2003, the former Fr. Sigler pled guilty to "two counts of third-degree criminal sexual conduct for molesting John Doe 98 in 1974 and 1975, when John Doe 98's family attended St. Robert Bellarmine Catholic Church in Flushing," and pled "no contest to one count of second-degree criminal sexual conduct for molesting

John Doe 99's brother[.]" On August 5, 2003, the former Fr. Sigler was sentenced "to serve at least 7 years and up to 15 years in a state prison." (App'x JES#41, *Detroit Free Press*, Ex-Priest Gets 7–15 Years, dated August 5, 2003, p 1.)

With regard to the claims of sexual abuse that allegedly occurred in River Rouge and Hazel Park, the following was reported:

> Sigler was sentenced in January to one year in a Wayne County jail for molesting a River Rouge relative in the 1960s and a Hazel Park altar boy in the 1970s. Eight days into his sentence at the Dickerson Detention Facility in Hamtramck, Genesee prosecutors charged him in the John Doe cases.
>
> [*Id.* at 2.]

On or about August 13, 2003, John Doe 98 and John Doe 11 filed suit in the Wayne County Circuit Court Case No. 02-242117-NO against Jason Sigler, Archdiocese of Detroit, Cardinal Adam Maida, Diocese of Lansing, Bishop Carl Mengeling, and Msgr. James Murray. (App'x JES#42, *Lansing State Journal*, "Two men accuse dioceses of ignoring abuse," dated August 13, 2003.) On December 21, 2004, The Court of Appeals entered an order holding that plaintiffs' claims were barred by the statute of limitations. By order dated October 20, 2005, the Supreme Court denied plaintiffs' application for leave to appeal.

By letter dated May 2, 2002, John Doe 105 wrote to John Doe 98, after having read about the latter's allegations of sexual abuse against Fr. Sigler (presumably in the published newspaper articles), and alleged that, he, too, had been sexually abused by Fr. Sigler when he was 12 or 13 years old. (App'x JES#43, Letter from John Doe 105 to John Doe 98, dated May 2, 2002, p 1.) John Doe 105 described a single incident of abuse he allegedly suffered at the hands of then Fr. Sigler:

> My situation with the priest occurred when I was 12 or 13[.] I don't remember the exact year, however it was during summer vacation. I was traveling with my mother, father and brother touring the U.P. We stopped for the night at a motel on US-2 near the Cut River Bridge. We checked into the motel and went to the motel restaurant for dinner. While at the restaurant we ran into Father Sigler who was with another young boy, [sic] I don't remember his name. I knew the priest from being an altar boy at St. Roberts Church.
>
> We all talked for a while and Father Sigler asked my parents if it was all right if he took me with him and his companion to the local dump to watch the bears eat. My parents gave their permission for me to go and we headed to the dump in the priest's station wagon. I was sitting in the front seat between the priest and his companion with the priest driving.

> On the way to the dump it started to get dark. The [sic.] Father Sigler kept talking about sex and told several stories about him taking confessions from parishioners involving sex with other people, adultery, etc. Sigler also kept talking about [how] he would squirt "joy juice" while talking to these people.
>
> I didn't quite know what to think about all of this and kept quiet.
>
> We arrived at the dump where there were several other cars parked looking for bear feeding on the garbage. We stayed for quite a long time and all the while Sigler continued to talk about sex and tell nasty jokes. We never did see any bears so we left the dump and headed back to the motel where we were staying.
>
> It was very dark on the ride back. We were traveling on US-2 when Sigler began to rub my crotch while he was driving. I became uneasy with this and he kept telling me everything was all right. He continued to fondle me while his companion, a heavyset white boy older than I, watched and grinned. At one point while we were going over the Cut River Bridge Sigler put his hand up my shorts and tried to jack me off. I was scared to say the least. I figured he and his goon were going to take me into the woods and rape me.
>
> I resisted, however I was a lot smaller than the priest and the other kid in the car. The fondling went on for what seemed like an eternity. When we got back to the motel it was quite late. Sigler kept telling me he wanted me to go to his room to watch TV. I told him I would have to ask my parents for permission. I then ran to our motel room and found everyone sleeping. I locked the door and went to bed, afraid to tell anybody what had happened.
>
> I was raised Catholic and didn't think my parents would believe me if I told them about the matter. I also thought I would get into big trouble for accusing the priest of fondling me. This was back in the day when the adult was always right.
>
> [*Id.* at 2.]

John Doe 105 also wrote that he was unsure whether he would be willing to go public with his story. (*Id.*) However, he stated that, if John Doe 95 "need[ed] anything to re-enforce your case, I will do whatever it takes to help." (*Id.*)

On or about April 30, 2004, John Doe 95 filed a one-count complaint of Civil Conspiracy against the Diocese of Lansing, Bishop Mengeling, then Bishop, formally Msgr., James Murray, Archdiocese of Santa Fe, Archbishop Michael Sheehan, former Archbishop Robert Sanchez, the Servants of the Paraclete,

Archdiocese of Detroit, Cardinal Adam Maida, Bishop Thomas Gumbleton, and Jason Sigler, jointly and severally, in the Wayne County Circuit Court. (App'x JES#44, *John Doe 95 v. Diocese of Lansing, et. al*, Wayne County Circuit Court Case No. 04-413121-NZ, Complaint and Demand for Trial by Jury, filed April 30, 2004, p 1.) The case ultimately was dismissed, being barred by the applicable statute of limitations. (App'x JES#45, Notes from meeting with John Doe 95, dated November 20, 2006, p 2.)

In a letter presumably written in 2006 by Witness 111, John Doe 95's father, to Bishop Mengeling, Witness 111 requested a meeting with the bishop "to explain why we need your help that you so kindly offered at our first meeting." (App'x JES#46, Handwritten letter from Witness 111 to Bishop Carl Mengeling, date not discernible but presumably from 2006.) Thereafter, on November 20, 2006, Bishop Mengeling and Msgr. Murphy met with Witnesses 111 and their son, John Doe 95, who was released from prison two months earlier. (App'x JES#45, Notes from meeting with John Doe 95, dated November 20, 2006, p 1.) At the conclusion of the meeting, Bishop Mengeling, in addition to offering to pay for counseling services, agreed to pay $1,668.00 to help John Doe 95 with the cost of obtaining recertification of his commercial driver's license and to pay $5,332.00 to help John Doe 95 buy a new car. (*Id.* at 3; App'x JES#47, Memo to the file: John Doe 95, and letter from Msgr. Michael Murphy, Moderator of the Curia, to John Doe 95, dated November 28, 2006.) In an undated "thank you" card, postmarked December 5, 2006, John Doe 95 wrote to Bishop Mengeling, thanking him "from the bottom of my heart for your very kind gift to me." (App'x JES#48, Thank you card from John Doe 95 to Bishop Carl Mengeling, postmarked December 5, 2006.)

On February 12, 2008, the chair of the Department of Catholic Charities wrote to Msgr. Murphy to advise that "John Doe 126[sic.] contacted the agency requesting counseling due to having been abused by a priest." (App'x JES#49, Memorandum from Chair of Department of Catholic Charities to Msgr. Michael Murphy, Moderator of the Curia, dated February 12, 2008.) John Doe 100 alleged that he had been abused by Fr. Sigler at St. Robert Bellarmine Parish in Flushing, Michigan. (*Id.*) His therapist stated "that he ha[d] severe psychological issues related to post traumatic stress disorder." (*Id.*) Counseling services would be provided to John Doe 100 by Washtenaw County Catholic Social Services. (*Id.*)

On June 2, 2008, John Doe 100's therapist wrote to Msgr. Murphy to advise that John Doe 100 had completed eight therapy sessions. (App'x JES#50, Letter from therapist to Msgr. Michael Murphy, dated June 2, 2008.) The therapist also stated that, as a result of the abuse John Doe 100 suffered as a child, he contracted HPV (Human Papillomavirus). (*Id.*) Consequently, he underwent 11 surgical procedures. (*Id.*)

On June 16, 2008, Msgr. Murphy spoke to John Doe 100 and his therapist via telephone, during which time "Msgr. Murphy explained the Diocese of Lansing's

victim-assistance program and procedures regarding allegations against clergy." (App'x JES#51, Confidential notes from telephone call with John Doe 100 and his therapist, dated June 16, 2008, p 1.) Specifically, John Doe 100 would meet with Msgrs. Murphy and Raica, after which John Doe 100 would meet with the Diocesan Review Board. (*Id.*) The monsignors and the Review Board would then "make a recommendation to the bishop." (*Id.*) Msgr. Murphy also advised John Doe 100 that the latter could meet with the bishop, if he so desired. (*Id.*) Msgr. Murphy stated the following during that telephone conversation:

> We want you to be better. No one should go through what you went through. It's wrong. It's a crime against human beings, and I'm sorry for what you went through and the pain and suffering you have gone through.
>
> [*Id.* at 2.]

On November 20, 2011, Fr. Roy Horning, pastor of St. Robert Bellarmine, wrote to Diocese of Lansing VAC Adrienne Rowland to advise that he met with John Doe 95 the preceding day, and "he [was] broken and hurting and now recognizes his need for professional help." (App'x JES#51, Email from Fr. Roy Horning to Adrienne Rowland, dated November 30, 2011.) Fr. Horning further wrote that he had contacted a therapist who agreed to help John Doe 95. (*Id.*) By letter dated December 29, 2011, Rowland wrote a letter to the therapist, advising that the Diocese of Lansing would pay for the therapy services provided to John Doe 95. (App'x JES#52, Letter from Adrienne Rowland to the therapist, dated December 29, 2011.)

On September 22, 2018, John Doe 106 emailed the Department's tipline and alleged that he was sexually molested by Fr. Robert Burkholder of the Archdiocese of Detroit and Fr. Sigler at St. Michael's Parish in Livonia, Michigan, in the late 1960s. (App'x JES#53, MSP Original Incident Report, NIS-0000058-18, dated December 6, 2019, pp 1–2.) On December 18, 2018, John Doe 106 reported to the Archdiocese of Detroit that he was sexually abused as a minor by Fr. Burkholder and Fr. Sigler. John Doe 106 reported the alleged abuse occurred in 1967-1969. The Archdiocese of Detroit immediately reported the allegation to law enforcement. (App'x JES#53-2, Letter from counsel for Archdiocese of Detroit to Wayne County Prosecutor's Office, dated December 26, 2018.)

On December 6, 2019, Sgt Luebs interviewed John Doe 106 via telephone, during which time John Doe 106 alleged that he had been sexually abused by both priests in 1968 and 1969, when John Doe 106 was 10 and 11 years old. (*Id.* at 2.) Sgt. Luebs summarized John Doe 106's allegations as follows:

> He was abused by two Catholic priests, Robert Burkholder [a deceased Archdiocese-of-Detroit priest] and Jason Sigler, during a two-year period from 1968–1969 when he was 10–11 years old.

He grew up [i]n Livonia and attended St. Michael's Church on Hubbard Street. . . . Fr. Robert Burkholder presided over his mother's funeral and first sexually assaulted him at church around that time. Fr. Burkholder used his mother's death to manipulate him and get close to him.

He was initially groomed by Fr. Burkholder. He was sexually assaulted by Fr. Burkholder many times over a two-year period. He remembers details of three or four assaults. Fr. Jason Sigler was not assigned to St. Michael's church and he recalled Fr. Sigler assaulting him after the grooming process was complete. There were one or two instances where both Fr. Burkholder and Fr. Sigler sexually assaulted him at the same time.

He believes there was a secret society of priests that acted in concert to groom and sexually assault children. This pedophile ring protected each other and pimped the children to each other. One of their goals was to get their victim children to be priests when they grew up so the cycle would continue. Priests were respected by the community and had complete freedom to do what they wanted. He was only assaulted by Frs. Burkholder and Sigler.

He was sodomized and forced to perform oral sex on the priests. The priests were violent with him – beating, slapping, and holding him down.

Fr. Burkholder groomed both him and his family. Fr. Burkholder ingratiated himself with his family. Fr. Burkholder told his family that John Doe 106 would be a fine priest. Fr. Burkholder complimented him, took him out to restaurants, for ice cream, and to the movies. Fr. Burkholder showed him attention and made him feel special. He recalls Fr. Burkholder taking him to a restaurant named Cloverdale's in Livonia that was known for great milkshakes. It was a great honor to have so much attention of a priest. Priests were looked up to, revered, and obeyed. They could do no wrong because they were like God.

The secret society of pedophile priests used a number of grooming tactics. They targeted boys with problems at home – like alcoholic fathers or ill mothers. These children were open to receiving affection, gifts, ice cream, movies, dinner, and outings to sporting events. He believes there were 100's of other victims because the church was associated with a school with 1,200 students.

He was sexually assaulted in the Rectory and Sacristy of St. Michael's Church. The Rectory was fairly new when he was ten years old. The assaults occurred in 1968–1969, the year the Detroit Tigers won the World Series in baseball. He was a huge fan of the Detroit Tigers.

Fr. Burkholder held youth parties in the Rectory during baseball games and other sporting events. There was food provided. The sexual assaults occurred during these parties at the Rectory.

He recalls Fr. Burkholder sexually assaulting him around the time of his mother's funeral. It could have been the same weekend or day of the funeral. Fr. Burkholder invited him to a "special confession" in the Sacristy of the church. John Doe 106 knelt on the kneeler and Fr. Burkholder unzipped both their pants. John Doe 106 advised that he may be confusing this first assault with the last assault. He continued and stated that the last time he was assaulted it was in the Sacristy at the kneeler. He had been sexually abused for two years and fought back for the first time. He fought back and punched Fr. Burkholder. Fr. Burkholder became angry and slapped and beat John Doe 106. Fr. Burkholder banged him around the Sacristy. He recalls being thrown into metal folding doors on one side of the room. The folding doors may have been on the closets for the robes.

Fr. Burkholder slammed him into the folding doors. John Doe 106 fell to the ground. Fr. Burkholder sat on top of him. Fr. Burkholder orally raped John Doe 106. Fr Burkholder ejaculated in John Doe 106's mouth and all over John Doe 106. Fr. Burkholder was enraged that John Doe 106 resisted him for the first time in two years. John Doe 106 knew that nobody would believe him if he told. He didn't have the language to describe what happened.

This assault occurred in November or December. It was cold outside. Fr. Burkholder threw him out of the church. John Doe 106 had to walk home three miles in the cold with no jacket. This was the last sexual assault. John Doe 106 was no longer any use to Fr. Burkholder or Fr. Sigler because he had resisted.

Frs. Burkholder and Sigler worked together a number of times to assault John Doe 106 at St. Michael's Chruch [sic.], however Fr. Sigler was not assigned to St. Michael's. Fr. Sigler assisted with youth ministry at St. Michael's and also attended the youth sports parties in the Rectory at St. Michael's Church.

He recalls being seated in a school chair which had a desktop which could be folded over the side. Fr. Sigler had his arm around John Doe

> 106's neck, choking him, while Fr. Burkholder abused John Doe 106 and raped him orally. Sigler struck John Doe 106 and stated, "[s]tupid kid, behave, you don't know what's good for you" during the assault.
>
> Fr. Burkholder preferred to receive oral sex from John Doe 106. Fr. Sigler preferred to anally penetrate John Doe 106. The priests preferred boys in the 9–10[-]year-old range. They worked together because they needed assistance in holding the boys down during the assaults.
>
> He recalls another incident when Fr. Burkholder raped him orally while Fr. Sigler sodomized him in the Rectory. John Doe 106 blacked out or went unconscious during this assault. He feels that he was attempting to disassociate himself from the event. This memory wakes him up and keeps him awake at night.
>
> The priests were skilled in hurting him without leaving marks. They controlled him physically by striking him, slapping him, holding him in a half-Nelson, and holding him down.
>
> [*Id.* at 2–4.]

John Doe 106 stated that the alleged abuse had impacted his life. (*Id.* at 4.) He has had relationship problems, panic attacks, and thoughts of suicide. (*Id.* at 4–5.)

On March 4, 2021, Sgt. Luebs interviewed John Doe 107, who alleged that Fr. Sigler sexually molested him in 1969. (App'x JES#54, MSP Original Incident Report, NIS-0000003-21, dated March 3, 2021, p 3.) John Doe 107 did not wish to pursue criminal charges against Fr. Sigler, but he was willing to detail the alleged sexual abuse in his interview with the detective to help the cases of other victims. (*Id.*) John Doe 107 alleged that his brothers, John Doe 108 and John Doe 109, were also sexually molested by Fr. Sigler, and his sister, Jane Doe 39, now deceased, was sexually abused by a visiting priest friend of Fr. Sigler's when she was 11 or 12 years old. (*Id.* at 3 and 5.)

During the same March 4, 2021, interview, John Doe 107 alleged that, one night when his parents were out of town and his grandparents and Fr. Sigler were staying at the house, John Doe 107, his brother John Doe 108, and Fr. Sigler got ready for bed in John Doe 107's and John Doe's 108 bedroom . (*Id.* at 3.) They were in their underwear, and Fr. Sigler started asking them questions about football and girlfriends. (*Id.*) It allegedly seemed that Fr. Sigler's interest in the girlfriends was "abnormal." (*Id.*) Fr. Sigler allegedly began to wrestle with the boys, while having an erection. (*Id.*) While wrestling, he allegedly put his hand down their underwear and intentionally fondled their genitals several times. (*Id.* at 3–4.) Both boys ultimately had to physically remove Fr. Sigler's hands out of their underwear and then escaped the room. (*Id.* at 4.) John Doe 108 went upstairs and slept in a

bathroom bathtub; John Doe 107 went back to the bedroom and slept in his bed with his covers "wrapped tightly around his body." (*Id.*) He said that nothing further occurred that night or at any time thereafter, the boys making sure they were never alone again with Fr. Sigler. (*Id.*)

During the same interview, John Doe 107 told Sgt. Luebs that John Doe ?? had told their father about the sexual abuse at the time, but it was never reported to the police or investigated. (*Id.* at 2–4.) His sister Jane Doe 39 also told her parents about her alleged sexual abuse by the visiting priest named, "Father Bob," after she crawled upstairs to their bedroom with her vagina bleeding. (*Id.* at 5.) "Father Bob" was taken to the bus station the following morning, and the assault was also never reported. (*Id*. at 5 and 10.)

On March 16, 2021, Sgt. Luebs interviewed John Doe 109, John Doe 107' younger brother. (*Id.* at 7.) John Doe 109 alleged that he was sexually abused by Fr. Sigler one time in 1971, when John Doe 109 was 12 or 13 years old. (*Id.*) He said that his younger siblings, Jane Doe 39 and his brother, witnessed part of the incident. (*Id.* at 8.) John Doe 109 alleged that, when he, Jane Doe 39, his brother, and Fr. Sigler were sitting at the table in the kitchen at the John Doe 107's house eating snacks, Fr. Sigler, who was sitting next to John Doe 109, rubbed John Doe 109's abdomen and then slid his hand down John Doe 109's pants and fondled John Doe 109's genitals. (*Id.*) Jane Doe 39, about 10 or 11 years old at the time, saw the incident and asked why Fr. Sigler was acting like that. (*Id.*) John Doe 109 didn't understand why either and got away from Fr. Sigler. (*Id.*) Fr. Sigler then asked John Doe 109 to show the former the latter's hockey trophy that was in the family room. (*Id.*) Thinking Jane Doe 39 and John Doe 109 would go with them, John Doe 109 went into the family room to show Fr. Sigler the trophy, only to find himself alone with Fr. Sigler. (*Id.*) Fr. Sigler "approached John Doe 109 from behind and grabbed John Doe 109," putting "his right hand down John Doe 109's underwear and fondled John Doe 109 s genitals." (*Id.*) While doing so, Fr. Sigler allegedly "held John Doe 109 across the chest with his left arm." (*Id.*) The fondling allegedly occurred for about 30 seconds before John Doe 109 could free himself. (*Id.*) According to John Doe 107, at the time Fr. Sigler "had an obvious erection, which Sigler rubbed against John Doe 109's buttocks." (*Id.*) John Doe 107 said that he ran up to his bedroom and barricaded his door with his bed and dresser and that Fr. Sigler tried several times to force his way into the bedroom, but he failed. (*Id.*) Later that evening, when his brother John Doe 109 came home, John Doe 109 heard John Doe 107 yell at Fr. Sigler. (*Id.*) He later learned that Jane Doe 39 informed John Doe 107 that "[Sigler] was after John Doe 109." (*Id.*) John Doe 109 told his parents about the alleged incidents; however, "[h]is family/parents ignored or pretended nothing happened." (*Id.*) "His parents never spoke with him about what happened or took any action against Sigler." (*Id.*) At the time of the alleged sexual abuse, Fr. Sigler was a priest working in New Mexico and was home in Michigan on a visit. (*Id.* at 9.)

On March 4, 2021, Sgt. Luebs interviewed John Doe 11 after having reviewed the City of Flushing Police Department report regarding its 2002–2003 investigation concerning Fr. Sigler. (*Id.* at 5.) The substance of that interview was consistent with City of Flushing Police Det. Telling's report, except that John Doe 11 alleged that the sexual abuse took place in 1976. (*Id.*) However, Sgt. Luebs conducted a follow-up interview, during which John Doe 11 clarified that he believed the sexual abuse took place closer to 1975 than 1976. (App'x JES#55, MSP Supplemental Incident Report 0001m NIS-0000003-21, dated June 4, 2021, p 2.)

(48) MSGR. JOHN DONALD SLOWEY
(ON DIOCESE OF LANSING CREDIBLY-ACCUSED CLERGY LIST AND BISHOP ACCOUNTABILITY WEBSITE)

Born: September 3, 1914
Ordained: May 18, 1940
Died: January 18, 1983

Msgr. John Donald Slowey was born on September 3, 1914, in Albion, Michigan, and was ordained to the priesthood on May 18, 1940, in Lansing, Michigan. (App'x JDS#1, Biographical Record of Slowey, John Donald.) Msgr. Slowey died on January 18, 1983. (*Id.*)

On September 22, 2009, John Doe 110 alleged that, when he was at St. Vincent Home, Lansing, Michigan, in 1954–1955, he was sexually abused by Fr. Slowey. (App'x JDS#2, Confidential Notes from meeting with John Doe 110, by Sally Ellis, dated Tuesday, September 22, 2009, p 1; see also App'x JDS#3, Department of Attorney General tipline.) John Doe 110 said that he remembered that something happened there when, in 1999, he took a tour of St. Vincent Home. (*Id.*) John Doe 110 stated that he remembered being fondled on a table and "Father Slowey masturbating and ejaculating on him." (*Id.* at 3.) Msgr. Michael Murphy apologized to John Doe 110 for the alleged sexual abuse he suffered. (*Id.*) John Doe 110 said that he had his "dream job" as a lawyer, but he was unable to work "because the ceramic tile [there] triggers his memory." (*Id.* App'x JDS#4, Memo to the file of Father John Slowey/John Doe 110, dated September 22, 2009, pp 1–2.) On September 22, 2009, Bishop Earl Boyea determined that John Doe 110' allegation "carries with it the semblance of truth" and issued a Decree "that a preliminary investigation is to be conducted in conformity with the provisions of universal and particular law." (App'x JDS#5, Decree of Earl Boyea, Bishop of Lansing, dated September 22, 2009.)

By letter dated September 30, 2009, Deacon Patrick Hall of the Diocese of Kalamazoo wrote to Msgr. Murphy and advised that there were no allegations against Fr. Slowey in his personnel file from the time that Fr. Slowey ministered in the Kalamazoo diocese. (App'x JDS#6, Letter from Deacon Patrick Hall, Director,

Safe Environment, to Monsignor Michael Murphy, dated September 30, 2009.) A few days later, John Doe 110 met with the Diocesan Review Board, and, on November 22, 2009, the Review Board made the following determination:

> After a great deal of discussion, the Lansing Diocesan Review Board believes that, even without corroborating evidence, John Doe 110 makes a credible accuser that he has been the victim of sexual misconduct. We do not find the allegations levied by John Doe 110 that the Diocese attempted to cover-up this matter to warrant further investigation – as we do not believe those allegations to be credible. We feel that the Diocese has acted promptly and appropriately in its response to John Doe 110. Whether the allegations set forth in this matter are true or not (and the Review Board has no ability to make such a determination in this matter), the recommendation of the Review Board is that the Diocese do everything in its power to afford John Doe 110 the opportunity to undergo counseling. Further action of the board shall be held in abeyance pending any further information being presented to this board.
>
> [App'x JDS#7, Report of the Lansing Diocesan Review Board in Re Matter of John Doe 110, dated November 22, 2009, p 3.]

By Memorandum dated January 29, 2010, Msgrs. Murphy and Raica reported the results of their investigation of the John Doe 110 allegation against Fr. Slowey to Bishop Boyea. (App'x JDS#8, Memorandum from Msgrs. Murphy and Raica to Bishop Earl Boyea, dated January 29, 2010, pp 1–2.) They discovered that (1) there were no allegations of misconduct in the files of the Lansing Diocese or the Kalamazoo diocese, (2) the St. Vincent Home did not have records from the 1950s, (3) the Review Board determined that the Diocese did not "cover up" sexual abuse, (4) the review Board could not determine whether John Doe 110 was or was not sexually abused by Fr. Slowey, (5) there was no corroborating evidence, (6) the priest assignment log showed Fr. Slowey's "transfers [were] unremarkable and do not constitute adminicular evidence of transferring an abuser[,]" and (7) Msgr. Slowey was deceased and could not defend himself. (*Id.*) Consequently, the Monsignors recommended that the bishop deem the allegation unsubstantiated. (*Id.* at 2.) On the following day, Bishop Boyea decreed that the John Doe 110 allegation "has not yet been substantiated." (App'x JDS#9, Decree of Bishop Earl Boyea, dated January 30, 2010.)

On August 31, 2010, John Doe 110 held a press conference, during which he stated that the Diocese of Lansing settled his "claim for sexual abuse" for the sum of $225,000.00. (App'x JDS#10, Clergy Sex Abuse Victim Reaches Settlement (Part 3), posted by David Mittleman, dated August 31, 2010, p 1.) Although the Msgr. Slowey file contained copies of letters between diocesan legal counsel and John Doe 110's attorney, a copy of a settlement agreement was not located during this

investigation. (See App'x JDS#11, Letter from David Mittleman to diocesan counsel, dated March 15, 2010, and letter from diocesan counsel to David Mittleman, dated April 1, 2010.) Later, the John Doe 110 allegation was found to be credible and was settled. (See also App'x JDS#12, List of clergy with a credible allegation of sexual abuse of a minor.)[42]

On November 10, 2011, Diocese of Lansing VAC Adrienne Rowland met with John Doe 111, who alleged that he had been sexually abused by Msgr. Slowey in the 1950s on four or five occasions when he was an approximate four-year-old resident of St. Vincent Children' Home in Lansing. (App'x JDS#13, Victim Assistance Coordinator Allegations Record, by Adrienne Rowland, LMSW, ACSW, CSOTS, dated November 10, 2011, pp 1–2.) In Rowland's report, she summarized John Doe 111' allegations as follows:

> John Doe 111 reported that when he was approximately 4 years old, Slowey told him that he would take him back to his room at St. Vincent's. John Doe 111 stated that Slowey took his hand and led him out to the school bus that was in the garage. John Doe 111 stated that there was another little boy the same age with them. John Doe 111 stated that Slowey went to the back of the school bus and sat on the back bench with the boys standing in front of him. John Doe 111 reported that Slowey told both John Doe 111 and the other boy to pull down their pants and move closer. Slowey then reportedly touched John Doe 111 'with his hand on my penis and testicles.' John Doe 111 reported that he cried and that he did not understand what was happening. John Doe 111 then reported that Slowey told both boys to sit on either side of him and he continued to 'touch us some more.' John Doe 111 reported that Slowey then took him back to his room at St. Vincent.
>
> John Doe 111 reported that there was another time when he was by himself with Slowey in the yard. John Doe 111 described a yard with a benches [sic.] and a Virgin Mary statue in the back corner. John Doe 111 stated that Slowey sat down next to him and started "touching me with my clothes on." John Doe 111 said that Slowey then told him to stand in front of him and get underneath his gown. John Doe 111 said 'he [Slowey] wanted me to touch him. When asked to provide more detail, John Doe 111 stated that Slowey wanted him to use his hand to touch his penis. John Doe 111 was unclear as to whether or not Slowey had clothes on under the gown.

[42] https://www.dioceseoflansing.org/human-resources/list-clergy-credible-allegation-sexual-abuse-minor (last accessed December 12, 2024).

> John Doe 111 stated that another time, in the same area of the yard, Slowey would push up against him, pushing him further [sic.] into the bushes. John Doe 111 stated 'he always did that stuff.'
>
> John Doe 111 then stated that 'another time, he took me into this room, got up on the bed and pulled my pajama bottoms….he went down there.' When asked for clarification, John Doe 111 reported that he "started sucking my penis."
>
> John Doe 111 stated that another time, Slowey came to his floor. Stopped at another little kids[']' bed and took him. John Doe 111 stated that he did not see the kid for a while and when he did come back, the child climbed into bed and was crying. John Doe 111 stated that he asked the kid what was wrong. John Doe 111 stated that Slowey 'did that to a lot of us, used to fondle us on the school bus on the way to school.' John Doe 111 stated that he would sometimes miss the bus and hide hoping that Slowey wasn't on the bus.
>
> John Doe 111 stated that sometimes when he was playing in the yard, Slowey would take him back in the woods and 'want me to touch his penis and testicles' both over and under his clothing.
>
> John Doe 111 reported that at one point John Doe 111 went swimming with his cousins at [a park] where he informed them that he wanted to run away. John Doe 111 said that he went home with his cousins to a family member's house [ ] but staff from St. Vincents [sic.] came and brought him back to the home. John Doe 111 stated that he was no longer allowed to go outside after that.
>
> [*Id.*]

During the same November 10, 2011, meeting with Rowland, John Doe 111 advised her that he did not want to meet with the bishop or the Diocesan Review Board; rather, he wanted compensation. (*Id.* at 5.) Rowland told John Doe 111 that the Diocese would be willing to "help with therapeutic services" to which John Doe 111 replied that it was his "choice what to do with what I am compensated." (*Id.*)

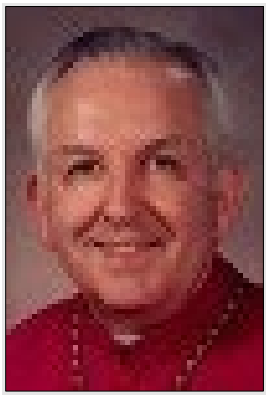
Nine months later, on August 12, 2012, Bishop Earl Boyea wrote to John Doe 111 and thanked him for reporting the allegations to the Diocese and his willingness to meet with Rowland and (apparently at some point thereafter) members of the Diocesan Review Board. (App'x JDS#14, Letter from Bishop Earl Boyea to John Doe 111, dated August 17, 2012, p 1.) Bishop Boyea also wrote that, because Msgr. Slowey was deceased, it was impossible to prove or disprove that the sexual abuse occurred. (*Id.*) Consequently, Bishop Boyea determined that "we think it best to resolve the uncertainty by providing assistance for healing and recovery" and, noting that John Doe 111 did not have an "interest in counseling or anything of the

sort," declined John Doe 111's demand for "monetary compensation." (*Id.*) Bishop Boyea also wrote the following:

> If you come to the point where you would like to explore ways we can assist with healing and recovery, please let me know or ask your lawyer to contact [diocesan legal counsel]. We can help with the expense of counseling or any other reasonable expense related to such services. If there is another means, e.g., educational, to provide healing, we would be willing to explore that possibility with you. In addition, the Diocese offers healing retreats at Saint Francis Retreat Center in DeWitt. If that setting would not be comfortable for you, we can work with you to arrange an alternative setting.
>
> [*Id.* at 1–2.]

Also in his letter to John Doe 111, Bishop Boyea offered to personally meet with John Doe 11 and apologized "for any harm you suffered while at St. Vincent Home." (*Id.* at 2.) It is unclear whether John Doe 111 replied to Bishop Boyea's letter or had any further contact with the Diocese of Lansing.

(49) BISHOP JAMES STEPHEN SULLIVAN (ON CREDIBLY-ACCUSED CLERGY LISTS OF DIOCESE OF LANSING AND DIOCESE OF FARGO (NORTH DAKOTA) AND LISTED ON BISHOP ACCOUNTABILITY SITE.)



Born: July 23, 1929
Ordained: June 4, 1955
Died: June 12, 2006

Bishop James Stephen Sullivan was born in Kalamazoo, Michigan, on July 23, 1929, and was ordained to the priesthood on June 4, 1955, in Lansing, Michigan. (App'x JSS#1, Obituary of Bishop James Stephen Sullivan, *Find a Grave*, June 12, 2006, p 1.) On September 21, 1972, the then Fr. Sullivan was appointed Auxiliary Bishop of Lansing, and on April 2, 1985, he was appointed Bishop of Fargo (North Dakota). (*Id.*) Bishop Sullivan retired in 2002 and died in Fargo, North Dakota, on June 12, 2006. (*Id.;* App'x JSS#2, Diocese of Lansing News, *Read: Abuse allegations against the late Bishop Sullivan deemed "credible,*" dated July 2, 2021, pp 1–5.)

In October 2018, John Doe 112 contacted the Department's tipline and alleged that he had been sexually abused by Bishop Sullivan, then Fr. Sullivan, in the 1960s. (App'x JSS#3, MSP Original Incident Report, No. NIS-0000012-18, October 19, 2018, p 1; App'x JSS#3B, Department of Attorney General tip, dated September 24, 2019.) On October 19, 2018, MSP Trooper Todd Workman interviewed John Doe 112, and summarized the details of the allegations as follows:

> On 10/19/18, I met with John Doe 112 at his residence in [redacted]. I informed him that I had received his information from the established tip line [sic.] at the Attorney General's office. I asked if he would be willing to talk to me about the allegations. John Doe 112 began by explaining that he was recruited by Father James Sullivan to be an altar boy when he was in the 5th grade. He was attending the Church of the Resurrection on Michigan Ave in Lansing. John Doe 112 stated that Father Sullivan was the priest of the Parish and he would often ask him to come in early to assist with the early morning mass. After the mass would finish Father Sullivan would ask John Doe 112 if he wanted

> to make a confession. John Doe 112 stated that they were either in the sacristy or the rectory when this occurred. After the confession Sullivan often hugged John Doe 112 and he could feel Sullivan's erect penis touch him on his upper body (chest, arm, shoulder). John Doe 112 stated that Sullivan would also "grope" him. I asked John Doe 112 to explain what he meant by grope. John Doe 112 stated that Sullivan would often use his hands to touch him over top of his clothes on his genital area. John Doe 112 stated that he felt betrayed by Sullivan because he was supposed to be his mentor and he taught him a lot about the church. I asked John Doe 112 if he could estimate how many times something happened. He stated that Sullivan pushed his erect penis against him during a hug approximately 50–100 times and he touched John Doe 112's penis over the clothing approximately the same number of times.
>
> I asked John Doe 112 if he ever reported what was happening. He stated that he talked to his friend who was another altar boy. John Doe 112 believes that Sullivan touched him as well because they mentioned it to each other when they were younger. John Doe 112 gave me his friend's contact information, and asked that I leave his name out of my report until I am given permission by him to include it. I asked John Doe 112 if there were any other altar boys who may have been victims. He stated that there were likely several more, but he didn't want to provide names without their permission to do so. John Doe 112 stated that he is embarrassed that he did not come forward sooner with the information because he saw an article in the Lansing Journal after Sullivan had died that said more victims had come forward with allegations against him. John Doe 112 stated that the other that bothers him is Sullivan became the Bishop of Fargo, North Dakota ad he wishes he would have come forward sooner to prevent that from happening.
>
> [*Id.* at 2.]

On November 16, 2018, Trooper Workman interviewed John Doe 112's friend, who shared his encounters with the detective, but wished to remain anonymous. (*Id.* at 4.) That meeting was summarized in Trooper Workman's report as follows:

> I began by asking the anonymous source if he knew why I was calling. He advised that John Doe 112 had told him to expect a call regarding what Father Sullivan had done to them when they were younger. He advised that he became an altar boy in the 5th grade and continued his service until he graduated high school. The source stated that Father Sullivan would regularly contact him and ask for his assistance at special masses. Following the mass, Father Sullivan often invited him into the rectory to have breakfast. The source advised that Father Sullivan asked him if he wanted to make a confession, to which he

> replied that he had already done so. Father Sullivan offered an opportunity to give a special confession that was done face to face. The source advised that this seemed strange because confession is supposed to be an anonymous sacrament. However, he complied with the priest's request because "he was god-like in my mind." The source advised that Sullivan began by asking him questions like, "have you lied to your parents," or "have you stolen from the store." Eventually the questions became sexual in nature. He asked questions like, "have you ever touched yourself," "have you ever kissed a girl," or "have you ever touched another boy." The source stated that Sullivan told him that it was ok if he ever had done so. Following the confession Sullivan would always stand up and give the source and extended hug. While hugging him Sullivan would whisper "I love you" in his ear and kiss him on the cheeks. Additionally, the source advised that he could feel Sullivan's erect penis pushing against him through his robes. This happened an estimated 50–75 times during his time as an altar boy when he was between the ages of 12–16. He advised that he never reported the incidents to his parents or any other authorities inside or outside of the church. He stated that there were at least 10 other altar boys who shared a similar experience. The source stated that it was common knowledge amongst the altar boys that Sullivan behaved that way. He advised that he would relay my information and would let them decide whether to call me to provide their statement.
>
> [*Id.*]

At the conclusion of the Department's investigation regarding John Doe 112 and his anonymous friend's allegations regarding Bishop Sullivan, the Department provided the information to the Diocese of Lansing for it to conduct its internal investigation, and on July 2, 2021, the Diocese of Lansing publicly announced that it deemed two allegations of sexual abuse against Bishop Sullivan as credible. (App'x JSS#4, Diocese of Lansing News, *Read: Abuse allegations against the late Bishop Sullivan deemed 'credible,'* dated July 2, 2021, p 1.) "The Diocese of Lansing launched its investigation in July 2020 after receiving an allegation of abuse against Sullivan from the Michigan Department of Attorney General. In the course of the diocesan investigation, led by a private investigator with law enforcement experience, a second allegation against Sullivan emerged." (*Id.* at 2.) The allegations were then referred to the Diocesan Review Board, which determined that they appeared to be true. (*Id*).

In its July 2, 2021, statement, the Diocese also stated that it received an allegation in 2002 against Bishop Sullivan that it deemed not credible; however, because of the more recent allegations that were found to be credible, the Diocese requested its Review Board and investigator to reconsider the 2002 allegation. (*Id.* at 4.) "The Review Board concluded that there is insufficient evidence to determine whether the allegation appears to be false or true." (*Id.*) If new information surfaces, the

matter would be reassessed. (*Id.*) The allegation to which the Diocese referred was that brought by John Doe 2, who also had initially brought an allegation against Br. Jeffrey Gregory in 1994, see entry no. 4 above.[43]

In a letter found among the electronic documents seized from diocesan computers during this investigation, someone from the Diocese of Lansing – presumably its legal counsel – wrote to the Ingham County Prosecuting Attorney on February 25, 2004, confirming a conversation that occurred the previous day. (App'x JSS#5, Letter to Stuart Dunnings, III, Ingham County Prosecuting Attorney, dated February 25, 2004.) The author of that letter wrote, in part relevant:

> Our records reflect three instances in which it has been alleged that a Catholic cleric sexually abused a minor in Ingham County. One is the John Doe 2/James Sullivan matter that we talked about. You indicated that your office had examined the allegation and had decided not to bring a criminal prosecution.
>
> [*Id.*]

On September 25, 2018, John Doe 114 emailed the following tip to the Department, regarding alleged abuse that occurred in 1966 at Resurrection Parish in Lansing:

> The following summer I was contacted to be interviewed by Father Sullivan. Though I had lost interest in the priesthood, he insisted that we meet. While I was playing with kids in my neighborhood, I told them I had to leave to see Father Sullivan, and one of the kids said, "[d]on't ever be alone with Father Sullivan." My memory of that meeting is vague. The best of my recollection is that Father Sullivan had me undress from the waist down. He fondled my genitals. In hindsight I think he might have expected that I might have become sexually aroused but that did not happen. If anything more happened during that meeting, I don't remember.
>
> [App'x JSS#6, Email from John Doe 114 to the Department of Attorney General, dated September 25, 2018.]

John Doe 114 also wrote that he suspected that other boys were also sexually abused by then Fr. Sullivan. (*Id.*)

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[43] In 2002, the Diocese reviewed the matter, it found the allegation against Br. Gregory to be credible, but found the allegation against Bishop Sullivan to be not credible because, when John Doe 2 brought his allegation against Br. Gregory the first time in 1994, he did not allege that he was also sexually abused by Bishop Sullivan. When he realleged the Br. Gregory allegation in 2002, he also alleged, for the first time, that he was sexually abused by Bishop Sullivan, in the same time frame. Diocesan officials questioned why, if that were true, John Doe 2 did not also report it in 1994.

(50) BISHOP JOSEPH KEITH SYMONS (ON DIOCESE OF ST. PETERSBURG CREDIBLY-ACCUSED LIST AND ON THE BISHOP ACCOUNTABILITY SITE.)

Born: October 14, 1932
Ordained: 1958

Bishop Joseph Keith Symons was born on October 14, 1932, in Champion, Michigan. (App'x JKS#1, https://prabook.com/web/joseph_keith_symons/678078.) According to Bishop Symons' assignment record, published on the Bishop Accountability website, his history is summarized as follows:

> A Michigan native, Joseph Keith Symons was ordained in 1958 for the St. Augustine diocese, where he became a member of the diocesan Tribunal and an Episcopal Vicar. Symons was known for recruiting young people to the church and for his progressive outreach programs. He directed several camps for children, one of which he had founded. When the diocese split in 1968, Symons ministered for the diocese of St. Petersburg. He held numerous chancery positions in his new diocese. While serving as St. Peterburg's Chancellor in the early 1970s, he accepted into the diocese a known perpetrator of sexual abuse of children; Symons quietly left cash for the mother of two of that priest's victims when she confronted him years later. He denied knowing the priest was a perpetrator. Symons was elevated to Auxiliary Bishop in 1981, and was appointed Bishop of Pensacola-Tallahassee in 1983. In 1990 he became Bishop of Palm Beach. In 1995 Symons admitted to having sexually abused a boy years earlier, after the victim came forward; Symons said he this [sic.] was his only victim and was allowed to remain in ministry. Another man disclosed sexual abuse as a child by Symons in 1998. Symons resigned several days later and admitted to having sexually abused five boys early in his career. Bishop Symons returned to his home state of Michigan where he lived in a convent and led adult spiritual retreats.

[App'x JKS#2, Bishop Joseph Keith Symons – BishopAccountability.org (bishop-accountability.org, Assignment Record – Bishop Joseph Keith Symons.]

In a January 7, 1999, letter from Bishop Carl Mengeling to Bishop Gabriel Montalvo, Bishop Mengeling set forth a proposal that would allow Bishop Symons to gradually return to priestly ministry within the Diocese of Lansing. (App'x JKS#3, Letter from Bishop Carl Mengeling to Bishop Gabriel Montalvo, dated January 7, 1999.) Specifically, after consulting with Archbishop Cacciavillan (Bishop Montalvo's predecessor), Diocese of St. Petersburg Bishop Robert Lynch, and a physician, Bishop Mengeling recommended the following plan for Bishop Symons:

> 1. That for two years Bishop Symons continues to reside at Alma, Michigan, where the Sisters of Mary value his priestly presence and his positive influence on the clergy-patients.
>
> 2. Under my direction and my delegate, Father Lawrence Delaney, director, Bishop Symons can ease gradually into priestly ministry at our St. Francis Retreat Center in DeWitt, Michigan, in the Diocese of Lansing. It is about 30 miles from Alma.
>
> [*Id.*]

By the same letter, Bishop Mengeling wrote that Fr. Delaney would "designate the selected retreats and other spiritual events in which Bishop Symons can serve, plus the specific ways he can minister[,]" and his ministry at the retreat center could include the Sacrament of Penance and spiritual conferences and direction. (*Id.*) Bishop Mengeling further wrote that "Bishop Symons has my confidence and support." (*Id.*) Bishop Montalvo replied to Bishop Mengeling's letter and advised that the Congregation for Bishops "would not be opposed to Bishop Symons' accepting the invitation to exercise a limited pastoral ministry at the St. Francis Retreat Center, under your watchful direction, while continuing to reside at the Sacred Heart Center with the Sisters of Mercy of Alma." (App'x JKS#4, Letter from Gabriel Montalvo, Apostolic Nuncio, dated April 5, 1999.)

(51) FR. WILLIAM THOMAS

Born: December 23, 1938
Ordained: June 17, 1978
Placed on Leave: October 6, 2005
Died: July 23, 2007

Fr. William Thomas was born on December 23, 1938, and was ordained to the priesthood on June 17, 1978, for the Diocese of Lansing. (App'x WT#1, *Graviora Delicta*, dated November 7, 2005, p 1.) Fr. Thomas ministered in the Lansing Diocese until 1989, when he incardinated into the Diocese of Wurzburg in Germany and ministered there until 2004, when he re-incardinated into the Diocese of Lansing. (*Id*. at 2.) Fr. Thomas died on July 23, 2007.[44]

In a November 7, 2005, *Graviora Delicta* that the bishop sent to the Congregation for the Doctrine of the Faith, seeking direction in how to proceed against Fr. Thomas, the Diocese reported that, in 2005, Witness 114, an employee at Holy Spirit Parish, in Hamburg, Michigan, alleged that he "discovered a long listing of what seems to be child pornography e.g., 'www.boycherries.com', on a parish computer in the Rectory." (*Id*.) Some of the websites allegedly visited required "memberships and access to chat rooms for eventual meetings." (*Id*.) Under the section of *Graviora Delicta* titled, "Accusations Against the Cleric," quotations from Witness 114's notes were reproduced, as follows:

> CD Folder 7/8/2005: We see here several hours spent on line [sic.] as a member of boyscherries.com on July 4th and June 30th.
>
> CD Folder 7/25/2005: We see here several hours spend [sic.] on line [sic.] as a member of boyscherries.com on July 14th, 15th and 19th
>
> The loose photos that are not in folders on the CD reveals visits to adultactioncam.com, a most troubling visit to facialabberent.com where a page as opened that was titled: Meet a hottie and hook up. This might indicate that Father is connecting with other people on the internet. It was at this juncture that I knew I had to approach the diocese.
>
> We also see in these photos more hours spent at boycherries.com as a member login on August 7th, 2nd, July 29th.
>
> [*Id*. at 2–3.]

[44] https://obits.mlive.com/us/obituaries/annarbor/name/william-thomas-obituary?id=13411747 (last accessed December 12, 2024).

Farther down in the same section, it states: "It is alleged that boycherries.com is a site that depicts 'boys being violated by men for the first time.' " (*Id.* at 3.)

Again, in that same section, a second accusation against Fr. Thomas was memorialized as follows:

> Allegation made by Witness 115 that her teen son, Mr. John Doe 115, 16 years of age, had keys to the rectory, spent nights there, was given gifts such as cell phones, received tuition at a local school, and other gifts, etc., contrary to the wishes of the parents and are typical of the behavior associated with "grooming."
>
> [*Id.*]

In the section of the *Graviora Delicta* titled, "Civil Proceedings Against the Cleric," it was noted that the Diocese reported the information received from Witness 114 to the Livingston County prosecuting attorney. (*Id.*) "The reason for this action was that, because of the titles of the websites on his computer, [it] seemed to indicate the existence of child pornography." (*Id.*) MSP "sequestered" the computer, and the hard drive was analyzed. (*Id.*) "It was found that the hard drive was 'cleansed' and any downloaded websites were completely expunged." (*Id.*)

On October 6, 2005, Fr. Thomas refused the Diocese's invitation to retire, so he was "placed on leave of absence by virtue of Canon 1722, the promoter of Justice having been consulted." (*Id.*) Thereafter, Fr. Thomas resided at his cottage located within the Diocese of Gaylord and was allowed to celebrate Mass privately; however, he retained his title of "pastor" and continued to receive his salary. (*Id.*)

Under the section of the *Graviora Delicta* titled, "Response/Recourse Made by the Cleric," the following was typewritten:

> 7/2004 When Witness 114 first discovered pornography on Father's computer, he approached Father who denied that a teen boy, who had an account set up on Father's computer was probably looking at it. The websites were on father's account.
>
> 9/29/2005 In a letter to Bishop Mengeling, he asserts: "I nonetheless intend to fight this matter because I am confident that the truth is on my side. Any compromise here will be tantamount to an acquiescence to the devil's agenda."
>
> 10/6/2005 When Father was confronted with the most recent episode by Bishop, he informed Bishop that he admitted he was looking at pornography for the purpose of "research," since he is also chaplain for the local 'Courage/Encourage' support group for homosexuals. Given the significant number of hours spent on these websites and

> membership to boycherries.com, it is questionable what the research objectives and outcome would be.
>
> He also blamed Witness 114 for putting the pornography on his computer to discredit Father. However, the date/time stamps reveal that it was consulted late at night for hours.
>
> Father first said that he would resign the parish if it became necessary to do so. Later, he said that he would fight these allegations with a "vigorous defense."
>
> [*Id.* at 3–4.]

In the Bishop's *Votum*, he stated: "There appears to be a semblance of truth that a delict may have been committed. The Bishop of Lansing requests instructions concerning 'how to proceed', whether by administrative penal process, judicial penal process, or some other means." [*Id.* at 4.]

In a letter dated December 1, 2005, Msgr. Michael Murphy wrote the following to Fr. Thomas and Msgr. William Varvaro:

> To bring you up to date, the police authorities notified us on November 30 of the results of their forensic examination of the disputed hard drive. They told us a few things about what they found, but the conclusion is that the police will not be proceeding with a criminal prosecution. In order to provide full and accurate information to the Congregation for the Doctrine of the Faith, we will be supplementing our earlier submission to the CDF.
>
> [App'x WT#2, Letter from Monsignor Michael Murphy to Fr. William Thomas and Monsignor William Varvaro, dated December 1, 2005.]

(52) FR. STEPHEN WILLIAM THOMSEN

Born: May 20, 1959
Ordained: September 6, 1986
Laicized: April 4, 2020
Current Status: Believed to reside in Waipahu, Hawai'i

Fr. Stephen William Thomsen was born in Apia, Western Somoa (now known simply as Somoa), on May 20, 1959, and was ordained to the priesthood for the Diocese of Lansing on September 6, 1986. (App'x SWT#1, Department of AG, Criminal Division, Investigator Report, 2018-02227975-A, dated February 22, 2020, p 3.) Fr. Thomsen served as parochial vicar at St. Paul Parish in Owosso, Michigan, "from 1987 through 1989" and was assigned thereafter to Holy Redeemer Parish in Burton, Michigan, "from 1989 through 1990." (*Id.*) Fr. Thomsen returned to his native country on June 27, 1990, after taking a leave of absence. (*Id.*) It is believed that Fr. Thomsen currently resides in Waipahu, Hawai'i.[45] Stephen Thomsen was laicized from the priesthood on April 4, 2020.

On March 4, 2019, Special Agent David Dwyre of the Department interviewed John Doe 129, who alleged that he was sexually abused by Fr. Thomsen in 1988, when John Doe 129 was a 16-year-old altar boy. (*Id.* at 1–2.) John Doe 129 stated that, in 1987, when he was a 15-year-old sophomore at Owosso High School, he and three of his male friends started associating with Fr. Thomsen shortly after he was assigned to St. Paul Parish in Owosso. (*Id.* at 2.) John Doe 129 alleged that Fr. Thomsen initially bought alcohol for his friends, Witness 124 and Witness 125, and that Fr. Thomsen "was always purchasing beer for the minors." (*Id.*) John Doe 129 stated that "[t]hey became part of a 'special club[,]' and Fr. Thomsen would give them a drink made with the Kava plant, that would make them numb." (*Id.*) They drank the kava drink "as part of a ritual." (*Id.*) John Doe 129 stated that the boys would go to the St. Paul Parish rectory, where Fr. Thomsen lived, and Fr. Thomsen "gave them a 'special patch' for being a member of the group." (*Id.*) John Doe 129 also told Agent Dwyre that Fr. Thomsen allowed the boys to drive his car. (*Id.*)

In summarizing his March 4, 2019 interview with John Doe 129, Agent Dwyre wrote the following regarding the two alleged incidents of sexual abuse:

> John Doe 129 said they had concerns about Stephen Thomsen's sexuality because Witness 124 was looking in Stephen Thomsen's bedroom without his permission and found a book titled, "Aussie Boys – The True Homosexual Experience." During his junior year, in 1988, John Doe 129 was 16 years old. It was during this time period that John Doe 129 was [allegedly] assaulted by Stephen Thomsen. The first

[45] Profile, https://www.mylife.com/stephen-thomsen/e821296303692 (last accessed December 12, 2024).

> time John Doe 129 was [allegedly] assaulted by Stephen Thomsen, he viewed it as a physical assault. He stated that he was in the rectory when he accidently knocked over a beer. He stated that Stephen Thomsen [allegedly] reached up and grabbed his penis through his jeans. He felt the grab was forceful and meant to hurt him.
>
> John Doe 129 was [allegedly] sexually assaulted by Stephen Thomsen sometime during the summer or early fall of 1987 [sic.]. He knows this because it was prior to [a person] being killed in a vehicle accident. The assault [allegedly] happened in Stephen Thomsen's bedroom. He said that Stephen Thomsen had the entire upstairs of the rectory as his residence. The assault [allegedly] happened in the northeast bedroom. Stephen Thomsen and John Doe 129 slept together and during the night, Stephen Thomsen, while in the bed with John Doe 129, [allegedly] grabbed his hand and placed i[t] on his penis and began masturbating, using John Doe 129's hand. He said that Stephen Thomsen also [allegedly] masturbated him. John Doe 129 briefly performed oral sex on Stephen Thomsen. He stated that Stephen Thomsen [allegedly] eventually ejaculated on him. John Doe 129 was an altar server and had to serve during mass the next morning. During the mass, Stephen Thomsen came up to him and [allegedly] stated 'God forgives.'
>
> John Doe 129 stated that was the last time he stayed the night in the same room with Stephen Thomsen. He feels guilty that the last time he stayed the night in the rectory, he made a point not to sleep with Stephen Thomsen, which forced John Doe 130 to have to sleep with him. John Doe 129 began crying as he described his fear the [sic] John Doe 130 was also assaulted by Stephen Thomsen.
>
> John Doe 129 said that he felt he was vulnerable to the sexual abuse because of the absence of his father in his life, and his accessibility to Stephen Thomsen. He feels this abuse has contributed to various hardships in his life including depression, trust issues and difficulty maintaining employment, even though he is a graduate of Michigan State University.
>
> [*Id.* at 2.]

Agent Dwyre interview John Doe 129 again on January 10, 2020, during which time John Doe 129 identified two photographs that were shown to him as being Fr. Thomsen. (*Id.* at 3.) During the same interview, John Doe 129 drew a diagram of both floors of the St. Paul Parish rectory. (*Id.* at 4.) John Doe 129 also stated that, when he and the other boys visited the rectory, they were told "to sneak into the home so as to not be seen by Father Kulinski." (*Id.*) "John Doe 129 stated that the teens had permission to be in Stephen Thomsen's rectory bedroom without him being present[,]" and, on one such occasion, "Witness 124 was looking for more Kava

plant, when he found the 'Aussie Boys' book under the mattress of Stephen Thomsen's bed." (*Id.*) John Doe 129 said that he "stopped associating with Stephen Thomsen" during John Doe 129's senior high school year. (*Id.*)

On December 3, 2020, as part of his investigation, Agent Dwyre left voice-mail messages and mailed letters to John Doe 130, Witness 124, and Witness 125, requesting interviews. (App'x SWT#2, Department of AG, Investigator Report, 2018-02227975-A, dated March 24, 2020, p 2.) Witness 125 never responded to Agent Dwyre's attempted contacts, but Dwyre was able to have a brief telephone call with Witness 124. (*Id.*) Witness 124 told the agent that, although he remembered Fr. Thomsen, he was never "sexually assaulted by him." (*Id.* at 3.) However, before agreeing to be interviewed by Agent Dwyre about his experience with the priest, Witness 124 stated that "he wanted to discuss his experience with Father Thomsen with his family" first. (*Id.*) Thereafter, Witness 124 "refused to return additional phone calls, texts or respond to letters requesting an interview." (*Id.*) Thus, no such interview took place.

On March 10, 2020, Agent Dwyre conducted a telephonic interview with John Doe 130. (*Id.*) John Doe 130 stated that he, John Doe 129, Witness 124, and Witness 125 first "became acquainted with Father Thomsen" when they were sophomores at Owosso High School. (*Id.*) John Doe 130 stated that the boys "became part of a special club organized by Father Steve." (*Id.*) John Doe 130 stated that Fr. Thomsen "would provide the teens with beer and liquor." (*Id.*) He also said that Fr. Thomsen gave the boys a patch with Latin words on it that John Doe 130 believed meant: "With zeal I am zealous for the Lord, God of Hosts." (*Id.*) John Doe 130 also recalled that one of the boys found the Aussie Boys homosexual novel. (*Id.*) John Doe 130 told Agent Dwyre that, on one occasion, John Doe 130 slept in Fr. Thomsen's bed with the priest at the rectory, the details of which were summarized in the agent's report, as follows:

> John Doe 130 remembered the time he stayed in the same bed with Father Steve while in the rectory. He said all the teens were staying the night at the rectory[,] and Father Steve became upset about something he no longer remembers and threw a glass on the floor. At the time, John Doe 130 was late 15 years old or early 16 years old. John Doe 130 said they eventually went to sleep, and he was in the same bed with Father Steve. He said that Father Steve told him to take his shirt and pants off. John Doe 130 took his shirt off but refused to take his pants off. He remembers falling asleep with Father Steve's arm around him. When he woke up the next morning, he found that his belt was undone and the zipper on [his] pants were [sic.] pulled down. John Doe 130 stated that he has no recollection of any sexual activity taking place between him and Father Stephen Thomsen.
>
> [*Id.*]

In or about December 2019, the Diocese of Lansing "forwarded a summary of a phone call they [sic.] received from Witness 126, who claimed that she knew of a 'Father Steve' from Samoa who [allegedly] molested two brothers, while he was a priest at St. Paul's in Owosso." (*Id.* at 2.) The alleged assault "occurred at an unknown location in northern Michigan." (*Id.*) Later that month, on December 23, 2019, Agent Dwyre spoke to Witness 126, and she "refused to provide the names of the [alleged] victims" or to communicate further. (*Id.* at 3.) So, Agent Dwyre called John Doe 129 to ask "if he had ever heard rumors of two brothers having been sexually assaulted by Father Thomsen[,]" and John Doe 129 "provided the names of John Doe 131 and John Doe 132, but he did not have any details of the abuse." (*Id.*) Agent Dwyre left phone messages for both John Doe 131 and John Doe 132, and neither returned his calls. (*Id.*)

On June 16, 2020, Special Agent Scott Shea of the Department conducted a telephone interview with John Doe 132, during which time John Doe 132 stated that, when he was a member of St. Paul Parish, he met Fr. Thomsen in 1987 or 1988. (App'x SWT#3, Department of AG, Detroit Criminal Division, Investigator Report, 2018-02227975-A, dated July 17, 2020, p 2.) John Doe 132 denied being part of a "secret club" and described his relationship with the priest as "friendly." (*Id.*) John Doe 132 said that he spent nights at the rectory with Fr. Thomsen, and it was common for him to sleep in the same bed as Fr. Thomsen. (*Id.*) "One evening after spending the night with Father Thomsen, John Doe 132 was woken up by Father Thomsen asking if he wanted to make love." (*Id.*) John Doe 132 immediately responded in the negative, after which the priest told John Doe 132 that "it was common in Samoa for men to sleep with other men." (*Id.*) After John Doe 132 told the priest no, "Father Thomsen backed away." (*Id.*) John Doe 132 said that he told the pastor about his alleged "encounter with Father Thomsen[,]" and shortly thereafter, Fr. Thomsen "was removed from St. Paul's Church." (*Id.*) John Doe 132 stated that he did not think that his brother, John Doe 131, had any encounters with Fr. Thomsen or had spent a night with him. (*Id.*) John Doe 132 stated that a lot of kids hung out with Fr. Thomsen, but he did know their names, because they were younger than John Doe 132; however, John Doe 132 stated "that [another person] had an encounter with Father Thomsen[,] but would not elaborate on what he heard." (*Id.*)

(53) FR. CHESTER VINCENT TOMASZEWSKI (ON DIOCESE OF LANSING CREDIBLY-ACCUSED CLERGY LIST AND THE BISHOP ACCOUNTABILITY SITE.

Born: June 22, 1933
Ordained: June 6, 1959
Died: October 21, 1987

Fr. Chester Vincent Tomaszewski was born in Mt. Carmel, Pennsylvania, on June 22, 1933, and was ordained to the priesthood on June 6, 1959, in Lansing, Michigan. (App'x CVT#1, Biographical Record of Fr. Tomaszewski Vincent, p 1.) Fr. Tomaszewski died on October 21, 1987. (*Id.* at 2.)

On July 8, 2008, John Doe 116 and his wife met with Msgrs. Michael Murphy and Steven Raica, during which John Doe 116 alleged that, in 2008, he remembered being sexually abused by Fr. Tomaszewski in the late 1960s or early 1970s. (App'x CVT#2, Notes From Meeting with John Doe 116, dated July 8, 2008, p 1.) John Doe 116 brought a detailed, four-page typewritten statement to the meeting, which provided details about the sexual abuse that he alleged to have occurred when he was a student and altar server at St. Mary Parish in Bronson, Michigan[46]. (App'x CVT#2B, Four-page statement of John Doe 116, Panel review dated July 8, 2008, pp 1–4.) The statement included the following:

> One Sunday as an Alter Boy [sic.] I was preparing for the mass he caught me drinking the wine and eating communion bread. He said he would talk to me after mass. The entire time serving the mass I was terrified. After mass he told me I was going to hell for all my sins and he was going to tell my parents. I began crying and he said he would instead, take me through some counseling and training the following week. I can see where the foundation I had already developed made me easy prey for the abuse.
>
> The first time he pulled me out of class he took me to the rectory and said God was mad at me and he would have to tell my parents. I began crying, begging him not to do that. I remember him saying he would not tell. He poured a drink for himself and he started to undo my pants and fondled my penis while I sat on his lap.
>
> He had me rub his penis as well and then he started to masturbate. He had me pull on his scrodum [sic.] as he masturbated and I had to use a towel to clean him and myself up. Fr. Tomaszewski told me to

[46] In July 1971, the Diocese of Kalamazoo was formed and Bronson, Michigan became part of the Diocese of Kalamazoo. Prior to 1971, Bronson, Michigan had been in the Diocese of Lansing.

never tell anyone or he would say that I was lying and he would tell everyone what I did with the wine and bread.

I can only remember 2 other times being pulled out of class and we ended up doing similar things. He reminded me that if I say anything I would end up in hell. These events sealed the childhood foundation of the same concepts I already had and now shame and guilt by a person I thought of as sent from God

Someone I should have been able to trust and believing in what he said was coming from God. In addition the abuse was something I never talked about to anyone. In fact I buried this abuse inside me having no recollection of this until April of this year.

[*Id.*, p 2.]

During the July 2008 meeting with the monsignors, John Doe 116 requested that the Diocese of Lansing pay for counseling and any resultant medications prescribed and also asked for the Diocese to pay for transportation expenses for him to attend a healing retreat. (App'x CVT#2, Notes From Meeting with John Doe 116, dated July 8, 2008, p 2.) John Doe 116 "also requested a monetary settlement in the amount of $425,000 to be in a structured annuity to cover the emotional pain and suffering Jim has experienced." (*Id.*)

On July 8, 2008, John Doe 116, an out-of-state resident, also met with the Diocesan Review Board. (App'x CVT#4, Report of the Lansing Diocesan Review Board, p 1.) The Review Board determined the following:

The Lansing Diocesan Review Board has reviewed this matter and makes the following recommendation to the Bishop: We felt that Mr. John Doe 116 makes a credible accuser. Without corroborating evidence, it is impossible for us to know one way or the other if his allegations are accurate, but we felt Mr. John Doe 116 himself to be someone who spoke credibly and appeared to speak with candor and openness about his past. We do not feel the allegations levied by Mr. John Doe 116 warrant further investigation by us at this time, and we feel that the Diocese has acted appropriately in its response to Mr. John Doe 116. With respect to Mr. John Doe 116's demands, the review board was of the opinion that effort should be made to assist Mr. John Doe 116 with counseling, but the Review Board wants to make it clear that it makes this recommendation not because it sees any legal culpability on the part of the Diocese of Lansing, but because this appears to be a man who is trying to put his life back together after years of many vices and counseling sessions would be consistent with our Christian mission. The review board had varied opinions

> with respect to Mr. John Doe 116's monetary request and makes no recommendation to the Diocese with respect to this issue.
>
> [*Id.* at 2.]

By letter dated August 11, 2008, Msgr. Michael Murphy notified John Doe 116 of the Review Board's determination and also wrote that the Diocese would pay for counseling and his costs for traveling and attending a healing retreat. (App'x CVT#5, Letter from Msgr. Michael Murphy to John Doe 116, dated August 11, 2008.) Msgr. Murphy further wrote that "[w]e will write to you as soon as possible to provide a full explanation of what we can provide to you." (*Id.*)

On September 25, 2008, Msgr. Murphy called John Doe 116 and offered him the sum of $205,000.00, "to pay for his healing, his therapy and other related expenses for recovery of his trauma of abuse by Father Chester Tomaszewski in 1968." (App'x CVT#6, Memo to the file of John Doe 116 from Msgr. Murphy, dated September 25, 2008.) Msgr. Murphy also advised that, as of that date, the diocese would not be paying any of John Doe 116's expenses. (*Id.*) The matter was formally settled for the stated sum, and, in consideration therefor, John Doe 116 signed a Settlement Agreement and Full Release. (App'x CVT#7, Settlement Agreement and Full Release, signed by John Doe 116, dated October 2, 2008; check No. 1316 in the amount of $205,000.00, made payable to John Doe 116 from an IOLTA account held by Mathis & Donheiser, P.C., dated October 1, 2008.)

On April 1, 2011, John Doe 116 again contacted the Diocese and told VAC Rowland that he underwent a year and one-half of counseling with a counselor he described as "awesome," but his employment changed, and he no longer had coverage for the provider's fees, and he was unable to pay for counseling himself. (App'x CVT#8, Victim Assistance Coordinator Allegations Record, by Adrienne Rowland, LMSW, ACSW, CSOTS, dated April 2, 2011, pp 1–4.) He further stated that he was desperate and needed financial assistance to resume his counseling as he was having suicidal thoughts, anger issues, and dissociative-disorder problems. (*Id.* at 3.) Rowland advised that she "would present his case to the Diocese[.]" (*Id.* at 4.)

By letter dated February 29, 2012, Bishop Boyea wrote to John Doe 116 about meeting Mr. and Mrs. John Doe 116 in their state of residence, during which time John Doe 116 "shared some of the positive outcomes" of the last two years of counseling. (App'x CVT#9, Letter from Bishop Earl Boyea to John Doe 116, dated February 29, 2012.) Bishop Boyea also wrote that the Diocese would continue paying for counseling for both Mr./Mrs. John Doe 116, "until such time that [the therapists] report treatment has reached maximum benefit[.]" (*Id.*) The bishop wrote that it was not possible to provide John Doe 116 with another "lump-sum payment." (*Id.*)

On October 18, 2012, Msgr. Steven Raica wrote to John Doe 116 in reply to the latter's then-recent request for the diocese to pay for in-patient therapy. (App'x CVT#10, Letter from Msgr. Steven Raica, Chancellor, to John Doe 116, dated October 18, 2012, p 1.) Msgr. Raica wrote that, as Bishop Boyea had stated earlier that year, the diocese would continue to pay for counseling as outlined in the bishop's letter, but would not provide any other financial assistance. (*Id*. 1–2.)

(54) FR. FRANCIS BARTHOLOMEW WAHOWIAK (LISTED ON THE DIOCESE OF LANSING CREDIBLY-ACCUSED CLERGY LIST.)

Born: June 14, 1920
Ordained: October 26, 1946
Died: January 29, 1978

Fr. Francis Bartholomew Wahowiak was born on June 14, 1920, in Wyandotte, Michigan and was ordained to the priesthood on October 26, 1946, for the Archdiocese of Detroit. (App'x FBW#1, Archdiocese of Detroit priest data sheet, p 1.) At some point later in his ministry, likely in 1968 when he served at St. Mary's in Chelsea, Michigan, he was incardinated into the Diocese of Lansing.[47] (*Id.;* App'x FBW#2, Diocese of Lansing list of clergy with a credible allegation of sexual abuse of a minor, p 9.) Fr. Wahowiak died on January 29, 1978. (App'x FBW#3, Letter from Reverend James Murray, Chancellor, to Dear Father, dated January 30, 1978.)

On November 17, 2005, the Diocese of Grand Rapids Victim Assistance Coordinator, Edgar Donatelli, met with Jane Doe 40 who alleged that, between 1974 and 1978, she was sexually abused by Fr. Wahowiak when he served as Pastor of St. Mary Parish in Charlotte, Michigan. (App'x FBW#4, Diocese of Grand Rapids Allegation Intake Form, by Edgar Donatelli, dated November 17, 2005, p 1.) Jane Doe 40 alleged that the sexual abuse commenced when she was five years old and ended when Fr. Wahowiak died, when she was nine years old. (*Id.*) Jane Doe 40 stated that Fr. Wahowiak told her to never tell anyone about the alleged sexual abuse "because it would be a problem for my parents, if they found out about it and they might end up going to hell." (*Id.*) Jane Doe 40 described the alleged sexual abuse as follows:

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[47] In July 1971, Washtenaw and Lenawee Counties were annexed to the Diocese of Lansing from the Archdiocese of Detroit. Priests serving in those counties were incardinated into the Diocese of Lansing at that time. See https://www.dioceseof lansing.org/general/history (last accessed December 12, 2024).

> The abuse began when I was 5 years old, the summer before I began kindergarten, and I was riding my tricycle and had a hole in my pants, at the crotch, and Fr. W. saw this and touched me there. That was the beginning. Then he would have me come to the rectory to help him, and he began fondling me and the behavior continued throughout this period of time, on a weekly or at times monthly basis. The sexual abuse increased to the point where he tried to penetrate me with his penis, and he tried this twice, but I was too small for him to enter and he did not try again, because it caused me to bleed. He would have me give him oral sex and he would do the same to me. This was what happened most of the times, he always have [sic.] me take off my under pants [sic.], and then he would take out his penis and proceed with the sexual abuse behavior. I remember one time when he took out his penis, I told him that that was what my baby sitter [sic.] did, and Fr. W. told me never to let anyone else do this to me, but he continued to do it. The abuse usually took place in the bedroom of the rectory.
>
> [*Id.* at 2.]

During the same meeting with VAC Donatelli, Jane Doe 40 also alleged that Fr. Wahowiak sexually abused her older sister. (*Id.*) Jane Doe 40 also alleged that a male student got kicked out of her school for fighting with Fr. Wahowiak because he tried to sexually abuse the male student. (*Id.*) Jane Doe 40 further alleged that she heard that Fr. Wahowiak also abused two or more other girls, but she was unsure whether they would report the alleged sexual abuse. (*Id.*) Jane Doe 40 stated that "[m]y sister and I did meet with Bishop Povish, I believe in 1994, and reported this to him personally, be [sic.] we never had any follow up from the Bishop, and don't know if in fact this abuse is on file with the Lansing diocese." (*Id.*) When Donatelli asked Jane Doe 40 how the Church could help her, she replied: "I just want to make sure that the sexual abuse by this priest is on the record, and hope that others whom he abused would also come forward." (*Id.* at 3.)

After speaking with Donatelli in November 2005, who had forwarded his Intake Report to the Diocese of Lansing, on December 1, 2005, Msgr. Michael Murphy wrote to Jane Doe 40 and expressed that he was "deeply saddened to learn of this matter." (App'x FBW#5, Letter from Edgar Donatelli, victim assistance coordinator, to Msgr. Steven Raica, dated November 21, 2005; Letter from Monsignor Michael Murphy, Moderator of the Curia, to Jane Doe 40, dated December 1, 2005, p 1.) Msgr. Murphy wrote that "[a]busive mistreatment of a young child is horrible, and you should never have suffered injury, or even been placed in danger, by someone whom you and your parents trusted." (*Id.*) Msgr. Murphy advised Jane Doe 40 that the Diocese would be willing to pay for reasonable costs for counseling, that Bishop Carl Mengeling would personally meet with her, invited her to attend a diocesan healing retreat, and to speak with the Diocesan Review Board. (*Id.*) He also wrote that those options were also available to her sister and the other persons whom she believed had been abused by Fr. Wahowiak. (*Id.* at 2–3.)

On April 8, 2011, Margaret Huggard of the Archdiocese of Detroit interviewed Jane Doe 41, who alleged that she was sexually abused by Fr. Wahowiak from the age of eight years to high school when Fr. Wahowiak was serving at Assumption/BVM in Detroit. (App'x FBW#6, Archdiocese of Detroit Allegation Intake Form, by Margaret Huggard, dated April 8, 2011, pp 1–2.) Huggard's intake report describes the alleged sexual abuse as follows:

> She said that he put her on his lap and fondled her and put his finger in her vagina. He would put his penis outside of her and she believes he relieved himself at that point. Her memories have been pushed back for years and they only recently become [sic.] floating to her consciousness.
>
> This abuse went on for years until she graduated from grade school. He was close with her parents. It was a very Polish Parish. When she went to H.S.[,] [h]e continued to call the house. Her mother would tell her that Father had called for her and she told her mother that she would take care of it but she would never call him back. He called the entire time she was in H.S. but finally stopped.
>
> [*Id.* at 2.]

On August 29, 2018, Fr. Dwight Ezop reported that he spoke to the father (not named) of two daughters who were allegedly sexually abused by Fr. Wahowiak when they went to St. Mary School. (App'x FBW#7, Email from Fr. Dwight Ezop to Cheryl William-Hecksel, dated August 30, 2018.) The father told Fr. Ezop that, at the time, the allegations were reported to the bishop and "counseling was given to the girls." (*Id.*) Consequently, the girls' father stated that he did not wish to pursue the matter any further. (*Id.*)

In a letter emailed to the Department on March 14, 2022, legal counsel for the Diocese reported that the diocesan VAC had recently received an allegation of sexual abuse via email from Jane Doe 42, alleging that Fr. Wahowiak sexually abused her in July 1974, when Fr. Wahowiak was stationed at St. Mary's Parish in Charlotte, Michigan. (App'x FBW#7B, Letter from general counsel to Department of Attorney General, dated March 14, 2022, p 1.) Quoted in that letter to the Department, Jane Doe 42's email to the diocesan VAC read as follows:

> I spoke with Witness 116 on Saturday and told her I would reach out regarding my experiences with a [p]edophile priest at St. Mary's in Charlotte when I was 10. I was fondled twice by Father Francis Wahoviak in the summer (July) of 1974. I would ride my bike over to the Rectory after tennis lessons and then he would take me to go get Penguin Point in Charlotte and then return to the Rectory to eat. I visited several times during that June/July summer but the last two

occasions, he fondled my left breast and rubbed his left hand between my legs while reading to me.

The first time he didn't say anything so I was unsure of what was happening but I felt sick and scared. The second time (which was the last time I went) he leaned over while fondling me and said, "Is this okay?" I didn't say anything in response and very soon after made excuses to leave. I did not return after that and did not tell my parents until I was a young adult, probably around 21. I just kept coming up with excuses to avoid going. I always felt like I escaped something terrible. I heard rumors over the following years about another girl knew [sic.] if they were true. I just marched forward and tried to forget it.

I'm very sorry to find out from other people who were so traumatized that it was far more insidious and violent that [sic.] what I experienced. I have no doubt that this man victimized many children during his tenure from 1972 to 1979 at St. Mary's. I hope now that the Diocese is aware of this monster's actions, you and others with influence at the Diocese, will act accordingly to ensure that not only do living victims have the resources to seek appropriate treatment for the remainder of their lives, but that the Diocese will FORMALLY denounce this person as a man of God and strip him of any honor he may have accumulated during his years of service. He does not deserve it. I also hope that if there were other adults at St. Mary's, or the Lansing Diocese, who were aware of what was happening, and did nothing, that they would be called forward to explain those actions and potentially face sanctions if it is clear that they assisted in covering up information or prevented victims' complaints from moving forward. Honestly, this is why so many of my peers quit attending the Catholic Church in our young adult years.

It's very difficult to reconcile the loving God we were told about with the type of treatment that we received. I also want to make it clear that I do NOT consider myself a victim. Because of my family and the way I was raised, even though I didn't understand what he was doing, I knew it was wrong and I was not going to make myself available for him to abuse. I do feel bad that I didn't say something at the time because maybe other children he so cruelly violated would have been spared. That will be my cross to bear, but if I have to bear that cross, I take comfort in knowing that somewhere in the bowels of Hell, Father Francis is right where he belongs.

[*Id*. at 1–2.] [Emphasis in original.]

On September 24, 2019, the diocesan attorney again emailed a letter to the Department and reported that the diocesan VAC received another allegation, on September 23, 2019, from Witness 116, who alleged that Fr. Wahowiak sexually abused Witness 116's then-deceased brother, John Doe 117, "between 1976 and 1980" at St. Mary's in Charlotte, Michigan. (App'x FBW#9, Letter from diocesan counsel to Department of Attorney General, dated September 24, 2019, p 1.) The diocesan attorney quoted the report of Witness 116's allegation as follows:

> [Witness 116] shared that she believes her brother, John Doe 117, born in 1965 who passed away due to a methamphetamine poisoning in 2014 at the age of 47 was a victim of sexual abuse by Fr. Wahoviak at St. Mary's Charlotte. She believes that the abuse happened between 1976 and 1980.
>
> John Doe 117 did not disclose this to her, she reports a friend of John Doe 117's who was an altar server with him disclosed that he was sexually assaulted by Wahoviak, including anal penetration. This friend said that they spent a good amount of time at the rectory and that he believed John Doe 117 had also been a victim. She also spoke to another brother who was not aware of abuse but told her that John Doe 117 warned him about Wahoviak without sharing anything more specific.
>
> Witness 116 also went on to say that when John Doe 117 was 16 and she was 8 he touched her sexually, she resisted and it didn't happen again. She believes her younger sister may have been abused by her brother but reports she remembers nothing during that time.
>
> Witness 116 also shared her suspicion with her parents as she was hopeful that this would alleviate some of the guilt and grief that they felt by explaining John Doe 117's substance abuse. She said her mother is in denial of this but she believes her father may have approached Fr. Ezop about this.
>
> [*Id.* at 1–2.]

In the same September 24, 2019, letter emailed by the diocesan attorney, he wrote that "[t]he Diocese has previously received four allegations of abuse against Fr. Wahowiak – all received after Fr. Wahowiak's death." (*Id.* at 2.) In 2005, the Diocese received the first allegation. (*Id.*) "In 2018, the Diocese received an allegation through Fr. Dwight Ezop, the pastor of St. Mary's Charlotte, regarding three unnamed victims of Fr. Wahowiak." (*Id.*) The diocesan attorney further wrote that it was possible "that John Doe 117 was one of the unnamed victims reported to the Diocese last year." (*Id.*)

The Diocese retained a private investigator to review the allegations of abuse against Fr. Wahowiak and referred the results to the diocesan Review Board which found the allegations credible. Thereafter, the Diocese added Fr. Wahowiak to its list of clerics credibly accused of sexual abuse of a minor.

(55) FR. JONATHAN WAYNE WEHRLE

Born:
Ordained:
Died: March 31, 2020

On February 19, 2019, Sgt. Kandyce Herr of the MSP interviewed John Doe 118, who alleged that Fr. Wehrle sexually abused John Doe 118, commencing when John Doe 118 was about 14 years old through 1999, when John Doe 118 was a freshman in high school. (JWW#1, MSP Original Incident Report, 011-0000981-19, February 19, 2019, pp 2–3.) In her report, Sgt. Herr wrote that John Doe 118 alleged that "fondle[d] him (grab his penis and balls) over his clothes." (*Id.* at 2.)

With regard to an incident that John Doe 118 alleged to have occurred in 1999, Sgt. Herr wrote the following in her report:

> John Doe 118 said they had been drinking and about 2 am he did not feel good, so he called [Fr. Wehrle] to come and pick him up. [Fr. Wehrle] took him to his bedroom. John Doe 118 said . . . [Fr. Wehrle] put his mouth on his penis until he ejaculated, estimating it lasted about 10 minutes. . . .
>
> When asked, John Doe 118 said this was the only time and incident like this [that] happened.
>
> [*Id.* at 3.]

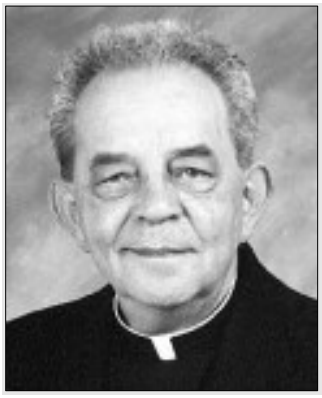
During the same February 19, 2019, interview, John Doe 118 told Sgt. Herr that he was reporting the alleged sexual abuse "because his attorney thought it would be good for his healing process." (*Id.*) John Doe 118 was initially unsure whether he wished to pursue the matter; however, he subsequently told Sgt. Herr on March 7, 2019, that "he decided to not pursue the matter[.]" (*Id.*) Consequently, the Department did not bring charges against Fr. Wehrle for the alleged sexual abuse of John Doe 118.

In early June of 2020, John Doe 119, through his attorney, Martin Gould, notified the Department that Fr. Jonathan Wehrle allegedly sexually abused John Doe 119 for about a month in October of 1998. (App'x JWW#2, MSP Original Incident Report, NIS-0000027-20, dated June 4, 2020, p 1.) On June 4, 2020, Sgt. William Luebs of the MSP interviewed John Doe 119. (*Id.* at 2.) John Doe 119 stated that when he was 14 or 15 years old Fr. Wehrle allegedly told John Doe 119 that he could "skinny dip" in the pool at Fr. Wehrle's house. (*Id.*) Thinking nothing of it at the time, John Doe 119 swam naked in the pool. (*Id.*) At the time of the interview, he told Sgt. Luebs that he later believed that Fr. Wehrle watched him swimming naked, having recalled "an excited look" on Fr. Wehrle's face. (*Id.* at 2–3.)

During the same June 2020 interview with Sgt. Luebs, John Doe 119 stated that he when he stayed with Fr. Wehrle, John Doe 119 was on medication that he took at night before going to bed. (*Id.* at 3.) He alleged that one night, Fr. Wehrle asked John Doe 119 what he wanted to drink with his medication, and John Doe 119 requested warm milk. (*Id.*) John Doe 119 alleged that Fr. Wehrle gave him some warm milk, but it tasted funny; "it had a pill taste." (*Id.*) He said the next morning, "his butt hurt." (*Id.*) A night or two later, Fr. Wehrle again gave John Doe 119 warm milk to drink with his medication, before bedtime. (*Id.*) John Doe 119 awakened during the night, and "John Wehrle was laying on top of him and was 'inside' him." (*Id.*) John Doe 119 was laying on his stomach and Fr. Wehrle was laying on top of him with his penis penetrating John Doe 119's anus. (*Id.*) John Doe 119 "felt paralyzed and couldn't move or speak" and "could only make little moaning noises." (*Id.*) With the weight of Fr. Wehrle, John Doe 119 had a difficult time breathing as Fr. Werhle "moved his penis 'in and out.' " (*Id.*) The next morning, his anus hurt as it had the previous morning. (*Id.*) John Doe 119 never returned to the house of Fr. Wehrle. (*Id.*) John Doe 119 believed that Fr. Werhle had drugged his milk with Xanax. (*Id.*)

As part of MSP's investigation, in February 2019 Sgt. Candace Herr of the MSP interviewed John Doe 118. (*Id.* at 4.) During the interview, John Doe 118 reported that he was sexually assaulted by Fr. Wehrle. (*Id.*) John Doe 118 was incarcerated at the time of his interview and was not interested in participating in a possible criminal charge. With respect to John Doe 119 because Fr. Wehrle died on March 31, 2020, no charges could be brought, and the investigation was closed. (*Id.* at 5.)

(56) REV. CANON DARIUS WALTER WYSZYNSKI
(ON DIOCESE OF LANSING CREDIBLY-ACCUSED CLERGY LIST AND BISHOP ACCOUNTABILITY WEBSITE.)



Born: March 6, 1931
Ordained: June 7, 1958
Incardinated into Diocese of Lansing: July 14, 1970
Restricted from public ministry: April 4, 2008
Died: February 17, 2013

Fr. Darius Walter Wyszynski was born in Hamtramck, Michigan, on March 6, 1931, and was ordained to the priesthood on June 7, 1958, at St. Raymond Cathedral in Joliet, Illinois, for the O.F.M. Province in Polaski, Wisconsin. (App'x DWW#1, Priest Personnel Data sheet.) Fr. Wyszynski was incardinated into the Diocese of Lansing on July 14, 1970, and died on February 17, 2013. (*Id.*)

On November 21, 2002, the Diocese of Lansing received a copy of a statement, devoid of an addressee, that was signed by John Doe 120. (App'x DWW#2, Statement of John Doe 120, dated September 26, 2002 and date-stamped as received on November 21, 2002.) John Doe 120 alleged that, in 1978 when he was 18 years old and worked odd jobs at St. Stanislaus Parish in Jackson, Michigan, Fr. Wyszynski asked John Doe 120 to pick him up from the Detroit Metropolitan Airport following the priest's late-night return from a trip to Mexico. (*Id.*) After John Doe 120 picked up Fr. Wyszynski, Fr. Wyszynski allegedly suggested that John Doe 120 should just spend the night at the rectory, so he did. (*Id.*) At some point during the night, John Doe 120 allegedly awakened to find Fr. Wyszynski "at the bottom of the bed, on his knees with my penis in his mouth." (*Id.*) On a subsequent occasion, after John Doe 120 resigned from his church job, John Doe 120 accompanied Fr. Wyszynksi on a trip to Acapulco, Mexico, "as a friend." (*Id.*) John Doe 120 alleged that, on the first day of the trip, the following occurred:

> I awoke that morning only to discover that Darius had slipped my underwear down and was biting on my buttocks. This time I took a stand, with anger, I stated that this was not going to happen and how dare he do such a thing to a friend. He did apologize and said that it

> would never happen again. Somehow I just couldn't believe it. We went to the beach and my anger grew. I was fortunate to meet a man who I was interested in and when I told him what had transpired, he was appalled and would not allow me to return to the hotel. Luckily he insisted that I stay with him. I went back to the hotel briefly just to grab a few things, and when I opened the door, there was Darius in bed with two Hispanic boys. It didn't even faze him that I was there. He just kept on with his activities. I hadn't had time to unpack, so gathering my things was very easy.
>
> [*Id.* at 2.]

In the same letter, John Doe 120 wrote that he had never told anyone about the alleged sexual abuse (except the man he met on the beach). (*Id.*) His friendship with Fr. Wyszynski ended. (*Id.*) John Doe 120 believed that, had he reported the alleged sexual abuse after it occurred, he "could have prevented the rape of countless others." (*Id.*) John Doe 120 wrote that he was not seeking monetary compensation; he only wanted to put his alleged sexual abuse on record and "to free myself from the haunting memory." (*Id.*)

By letter dated December 6, 2002, legal counsel for the Diocese of Lansing notified the Jackson County Prosecutor of John Doe 120's allegations and provided a copy of his letter. (App'x DWW#3, Letter from diocesan counsel to Prosecutor McBain, dated December 6, 2002.) The counsel also called John Doe 120 to advise him that he would be sending a copy of the John Doe 120's letter to the local prosecutor. (App'x DWW#4, Memo to File, from Msgr. Michael Murphy, dated December 6, 2002.) John Doe 120 advised that "he had no problem" with that, and also advised that he mailed the original of that statement to Fr. Wyszynski. (*Id.*)

On December 5, 2002, Bishop Carl Mengeling and Msgr. Murphy met with Fr. Wyszynski, who told them that he was not stationed at St. Stanislaus Parish until 1979, "and he had no memory of the incident." (*Id.*) Fr. Wyszynski was not asked if the allegation was true, nor did he make an admission of guilt. (*Id.*) However, Fr. Wyszynski admitted that John Doe 120 went with him to Mexico in 1981. (*Id.*) According to him, John Doe 120 disappeared shortly after they arrived, and the only time Fr. Wyszynski saw John Doe 120 was when the latter was with some man "on that part of the beach occupied by homosexual men." (*Id.*)

By letter dated May 8, 2007, John Doe 121 alleged that, when he was ten years old in or about 1967 or 1968, he was sexually molested by Fr. Wyszynski, who had then recently been assigned to St. Michael Parish in Flint, Michigan. (App'x DWW#5, Letter from John Doe 121 to Msgr. Michael Murphy, dated May 8, 2007, p 1.) Specifically, John Doe 121 alleged:

> Into this environment a new priest came to our parish for one year, circa 1967–1968. Specifically, Father Darius Wyszynski. As was

> customary for my parents, they invited him to our home. I was sick with a cold. When it was time for me to go to bed, my parents told me to go to bed and Father Wysznski would come and give me the Sacrament of the Sick. Special treatment like this by a priest was an honor to a boy growing up in the Catholic environment I did. And it was an honor to my parents as well. He did come to my room and he did give me the Sacrament, but his definition of the Sacrament was quite different than the one I had been taught by the Church. He concluded the sacrament by fondling my genitals. By anybody's definition, this is the sexual molestation of a child. By a priest! This crime took place at my parents' home located at [redacted], in Flint, Michigan. I was 10 years old at the time – a minor. This crime betrayed my trust of the Church and destroyed my relationship with God.
>
> [*Id.*]

On May 16, 2007, Msgr. Murphy replied to John Doe 121's letter and invited him to go to Lansing to meet with Msgrs. Murphy and Steven Raica "and then meet with our Diocesan Review Board." (App'x DWW#6, Letter from Msgr. Michael Murphy to John Doe 121, dated May 16, 2007.) As John Doe 121 resided outside of Michigan, Msgr. Murphy also wrote that the Diocese would reimburse John Doe 121 for his travel, food, lodging, and incidental expenses. (*Id.*) Msgr. Murphy also notified the Genessee County Prosecutor's Office about John Doe 121's allegation against Fr. Wyszynski. (App'x DWW#7, Letter from Msgr. Michael Murphy to Randall Petrides, dated July 9, 2007.)

The Lansing Diocesan Review Board reviewed the May 8, 2007, letter of John Doe 121[48] and met with Fr. Wyszynski, "who denied in full the allegations and denied any inappropriate conduct with children, ever," and made the following determination:

> The Lansing Diocesan Review Board has reviewed this matter and makes the following recommendation to the Bishop: We do not find the allegations levied by Mr. John Doe 121 to warrant further investigation at this time, and we feel that the Diocese has acted appropriately in its response to Mr. John Doe 121.
>
> In fairness to Father Wyszynski, a complete exoneration should be issued to him immediately.

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[48] The Diocesan Review Board noted that "Mr. John Doe 121 indicated to the chairman of the Review Board that he is moving to Europe before the end of July 2007 and would communicate to the review board in writing."

> The matter is considered closed from the review Board's perspective. If Mr. John Doe 121 corresponds as he has indicated he will, the Review Board will act upon said correspondence as needed.
>
> It would be wise for the Diocese to have no further contact (by letter, e-mail, telephone or otherwise) with Mr. John Doe 121 unless initiated by him. He understands that nothing further will happen on this matter unless initiated by him. The Diocese does not need to inform him of this.
>
> [App'x DWW#8, Report of the Lansing Diocesan Review Board In Re Matter of the allegations made by John Doe 121, undated, pp 1–2.]

By letter dated April 4, 2008, Msgr. Murphy wrote to John Doe 121 informing him that "[s]ince we have contradictory stories from you and Fr. Wyszynski, we will forward your allegation to the Congregation for the Doctrine of the Faith at the Vatican." (App'x DWW#9, Letter from Msgr. Michael Murphy to John Doe 121, dated April 4, 2008.) Explaining that the Congregation "deals with these matters for the Catholic Church[,]" Msgr. Murphy further wrote that the Congregation would direct the diocese "on how to proceed in this case." (*Id.*)

Meanwhile, on April 4, 2008, Fr. Wyszynski, who previously retired from priestly ministry, was restricted from engaging in public ministry, "until this matter is resolved." (*Id.*; App'x DWW#10, Letter from Carl Mengeling, Diocesan Administrator, to Reverend Canon Darius Wyszynski, dated April 4, 2008, and Precept, dated April 4, 2008.)

By letter to the Prefect of the Congregation for the Doctrine of the Faith, dated April 10, 2008, accompanied with a *Graviora Delicta*, then Diocesan Administrator Carl Mengeling wrote:

> Having conducted the preliminary investigation according to Canons 1717–1719, it is my *votum* that a semblance of truth is present that the delict may have been committed. Therefore, I request that the Congregation provide instructions concerning how to proceed, whether by administrative penal process, judicial penal process, or some other means. It must also be noted that Canon Wyszynski, now 77 years of age, has limited mobility and declining health. Also, after an enquiry to all the dioceses where he served, no other allegations were found. This is the sole allegation that is alleged to have occurred some 40 years ago.
>
> [App'x DWW#11, Letter from Bishop Carl Mengeling, Diocesan Administrator, to Archbishop William Levada, Prefect of the Congregation for the Doctrine of the Faith, dated April 10, 2008, and *Graviora Delicta*, dated April 9, 2008.]

In a letter dated May 28, 2008, accompanied by a *Graviora Delicta*, Bishop Earl Boyea, Bishop Mengeling's successor, also wrote to the Prefect of the Congregation for the Doctrine of the Faith and endorsed the *votum* of his predecessor and requested instruction on how to proceed with Fr. Wyszynski. (App'x DWW#12, Letter of Bishop Earl Boyea to William Cardinal Levada, Prefect, Congregation for the Doctrine of the Faith, dated May 28, 2008, and *Graviora Delicta*, dated May 27, 2008.) No reply from the Congregation was found in the Fr. Wyszynski file; however, because what appeared to be the original, signed letter and *Graviora Delicta* that were found in the file, it is not clear whether the same were, in fact, sent to the Congregation.

In September 2019, the Diocese of Lansing added Fr. Wyszynski's name to its list of credibly accused clerics.

CONCLUSION

The AG work on the clergy abuse investigation continues. All paper documents have been reviewed. All electronic documents have been reviewed.

To date, eleven cases have been brought by the Department of Attorney General for all seven dioceses. Nine have resolved with convictions. Of these eleven cases, **two** related to priests ministering in the Diocese of Lansing and one was a lay person, who apparently was formerly a religious brother.

1. *People v. Vincent DeLorenzo* – He pled guilty to attempted criminal sexual conduct, first degree, and was sentenced on June 13, 2023, to five years of probation, with the first year in the Genesee County Jail, sex-offender counseling and registration. He died on January 24, 2024, midway through his jail sentence.

2. *People v. Joseph "Jack" Baker* – He was found guilty at a jury trial of one count of criminal sexual conduct, first degree. He was sentenced on March 1, 2023, to 3-to-15 years in the Michigan Department of Corrections and to lifetime sex-offender registration.

3. *People v. Neil Kalina* – He was found guilty at a jury trial of two counts of criminal-sexual conduct in the second degree in June of 2022. He was sentenced to 7–15 years in the Michigan Department of Corrections.

4. *People v. Gary Berthiaume* – In October of 2021, he pled guilty to two counts of criminal sexual conduct in the second degree and no contest to one count of gross indecency. He was sentenced in January 2022 to 17 months – 15 years and 17 months – 5 years to be served concurrently in the Michigan Department of Corrections.

5. *People v. Gary Jacobs* – In April of 2021, he pled guilty to one count on each of his four Ontonagon County cases, with a total of three counts of criminal sexual conduct, first degree, and one count of criminal sexual conduct, second degree. He was sentenced on these cases to 8–15 years in the Michigan Department of Corrections, along with lifetime sex-offender registration and counseling. In Dickinson County, in May 2021, Jacobs pled guilty to criminal sexual conduct, second degree. He was sentenced on this case in July 2021 to 8–15 years in prison, with lifetime sex-offender registration to be served concurrently.

6. *People v. Joseph Comperchio* – In June of 2021, he pled guilty to one count of criminal sexual conduct in the first degree and three counts of criminal sexual conduct in the second degree. These represented complaints made by four separate victims. He was sentenced to 10–20 years in the Michigan

Department of Corrections. He died while serving his prison sentence in 2022.

7. *People v. Brian Stanley* – He pled guilty to attempted false imprisonment, and, in January of 2020, was sentenced to 60 days in jail, probation, and sex-offender registration.

8. *People v. Patrick Casey* – He was charged with one count of criminal-sexual conduct in the third degree. While a jury was deliberating, he pled guilty to aggravated assault. In November 2019 he was sentenced to 45 days in the Wayne County Jail and one year of probation.

9. *People v. Timothy Crowley* – He pled guilty to two counts of criminal sexual conduct in the second degree. He was sentenced to five years of probation with the first year in the Washtenaw County Jail, sex-offender registration and counseling.

10. *People v. Roy Joseph* – He was charged in January 2020 with one count of criminal sexual conduct in the first degree. He is awaiting extradition from India.

11. *People v. Jacob Vellian* – He was charged in May 2019 with two counts of rape under the old criminal sexual conduct statute. He is awaiting extradition from India. It has been reported that Vellian died in December 2022, but this has not been independently confirmed by the United States Department of Justice.

It should be again noted that a criminal complaint is merely an allegation unless and until the defendant is found guilty.